



# California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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## PROPOSED ACTION ON REGULATIONS

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### TITLE 4. CALIFORNIA GAMBLING CONTROL COMMISSION

#### NOTICE OF PROPOSED RULEMAKING

##### Chapter 10 — Discipline, Hearings, and Decisions

The California Gambling Control Commission (“Commission”) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

#### PROPOSED REGULATORY ACTION

The Commission proposes to adopt sections 12550, 12552, 12554, 12556, 12558, 12560, 12562, 12564, 12566, 12568, and 12572 of Title 4 of the California Code of Regulations, concerning discipline (via accusations and hearings) of licensees, registrants, permit holders, or holders of findings of suitability or other approvals, settlements, and the adoption of precedential decisions.

#### PUBLIC HEARING: April 20, 2006

The Commission will hold a public hearing starting at 10 a.m. on Thursday, April 20, 2006, at 2399 Gateway Oaks Drive, Suite 100, Sacramento, CA 95833-4231. The room is wheelchair accessible. Please call Lisa King, Assistant to the Commission, at 916-263-0493 or TDD 1-800-345-4275, to request any special accommodations for persons with disabilities. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest.

#### WRITTEN COMMENT PERIOD: March 3, 2006 through April 20, 2006

Any interested person, or his or her authorized representative, may submit written comments relevant to the

proposed regulatory action to the Commission at any time during the 45-day public comment period. To be considered for summary and response, all written comments must be received no later than 5:00 p.m., April 20, 2006 (the day of the public hearing).

Written comments for the Commission’s consideration should be directed to:

Heather Hoganson, Counsel,  
California Gambling Control Commission,  
2399 Gateway Oaks Drive, Suite 100  
Sacramento, CA 95833-4231;  
Fax: 916-263-0452,  
E-mail: [hhoganson@cgcc.ca.gov](mailto:hhoganson@cgcc.ca.gov)

#### AUTHORITY AND REFERENCE

Authority for the proposed regulations is provided by various provisions of the Gambling Control Act, which may be found in Business and Professions (“B & P”) Code sections 19800—19980. In particular, B & P Code sections 19811, 19823, 19824, 19840, 19841, 19850, 19853(a)(3), 19854, 19912, 19914, 19920, 19922, 19924, 19930, 19931, 19942, 19971, and 19984.

The reference citations are as follows: the proposed regulations implement, interpret, or make specific B & P Code sections 19824, 19840, 19844, 19852, 19857, 19858, 19859, 19862, 19863, 19870, 19875, 19878, 19880, 19912, 19913, 19914, 19920, 19922, 19923, 19924, 19930, 19931, 19941, and 19942, and Government Code section 11425.60.

#### INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

Under the Gambling Control Act, the California Gambling Commission has the authority to discipline the Commission’s regulated community, which includes licensees, registrants, and permit holders, as well as findings of suitability and approval. Pursuant to the Administrative Procedure Act, the Commission is promulgating disciplinary guidelines so that consistent and uniform administrative penalties are available in order to encourage and reinforce voluntary compliance with the law. These regulations provide for protection of the public, notice to the industry of how violations of law will be handled by the Commission, and procedures and guidelines to ensure that discipline is administered in a fair, reasoned, and consistent fashion, in a manner authorized by law.

Increased or decreased discipline may be recommended based on facts of individual cases where supported by aggravating or mitigating circumstances.

The Administrative Procedure Act also allows for the adoption of precedential decisions; these regulations clarify how that will be handled at the Commission.

DISCLOSURES REGARDING THE  
PROPOSED ACTION

**Mandate on local agencies and school districts:** These regulations do not impose a mandate on local agencies or school districts.

**Cost or savings to any state agency:** None.

**Cost to any local agency or school district that must be reimbursed in accordance with Government Code section 17561:** None

**Other non-discretionary cost or savings imposed upon local agencies:** None

**Cost or savings in federal funding to the state:** None

**Cost impact on representative private person or business:** A licensee or registrant may be liable for penalties and/or costs if found to have violated the law regarding controlled gambling.

**Impact on Business:** The Commission has made an initial determination that the proposed regulatory changes will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

**Significant effect on housing costs:** The Commission has made an initial determination that the proposed regulatory action would not affect housing costs.

**Effect on small business:** The Commission has made an initial determination that, in the event that a cardroom is considered a small business, the effect these regulations will have on small business will be minor.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Commission must determine that no reasonable alternative considered by the Commission or that has otherwise been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

ASSESSMENT REGARDING CREATION OR  
ELIMINATION OF JOBS IN CALIFORNIA

The Commission has made an assessment and determined that the adoption of the proposed regulation will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

CONTACT PERSONS

Inquiries concerning the substance of the proposed action should be directed to:

Heather Hoganson, Counsel,  
California Gambling Control Commission,  
2399 Gateway Oaks Drive, Suite 100  
Sacramento, CA 95833-4231  
Telephone: 916-263-0490, Fax: 916-263-0452,  
E-mail: hhoganson@cgcc.ca.gov.

Requests for a copy of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, or other technical information upon which the rulemaking is based should be directed to:

Pam Ramsay, California Gambling Control  
Commission,  
2399 Gateway Oaks Drive, Suite 100  
Sacramento, CA 95833-4231  
Telephone: 916-263-8111, Fax: 916-263-0499.

AVAILABILITY OF STATEMENT OF REASONS  
AND TEXT OF PROPOSED REGULATIONS

The Commission will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at the office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the Initial Statement of Reasons. A copy may be obtained by contacting Pam Ramsay at the address or telephone number listed above or accessing the Commission's website at <http://www.cgcc.ca.gov>. Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the Regulations Coordinator or viewed on the website.

AVAILABILITY OF CHANGED  
OR MODIFIED TEXT

Following the public hearing, the Commission may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly indicated, will be made available to the public for at least 15 days prior to the date on which the Commission adopts the regulation. Requests for copies of any modified regulation should be sent to the attention of Pam Ramsay at the address indicated above.

The Commission will accept written comments on the modified regulation for 15 days after the date on which it is made available.

## TITLE 5. CALIFORNIA STUDENT AID COMMISSION

### NOTICE OF PROPOSED RULEMAKING AMENDMENT TO TITLE 5, CA CODE OF REGULATIONS REGARDING STATE NURSING ASSUMPTION PROGRAM OF LOANS FOR EDUCATION (SNAPLE) — (EDUCATION CODE 69616 *et seq.*)

#### NATURE OF PROCEEDING

Notice is given that the California Student Aid Commission (CSAC) is proposing to take the action described in the Informative Digest.

A public hearing regarding this proposal is currently not scheduled. However, any interested person or duly authorized representative may request, no later than 15 days before the close of the written comment period, that a public hearing be scheduled.

Following the public hearing, if one is requested, or following the written comment period, if no public hearing is requested, the California Student Aid Commission, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days before its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written comments related to this proposal, or who provide oral testimony if a public hearing is held, or who have requested notification of any changes to the proposal.

Notice is also given that any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the

California Student Aid Commission  
Attention: Judith Beck  
P.O. Box 419026  
Rancho Cordova, CA 95741-9026

Comments may also be submitted by facsimile (FAX) at (916) 526-7977 or by e-mail to [snaple@csac.ca.gov](mailto:snaple@csac.ca.gov). Comments must be submitted before 5:00 p.m. on April 17, 2006.

#### AUTHORITY AND REFERENCE

Pursuant to the authority vested by section 69616.6 of the Education Code, and to implement, interpret, or

make specific sections 69616-69617 of the Education Code, the California Student Aid Commission is considering changes to Division 4 of Title 5 of the California Code of Regulations as follows: adopt sections 30910-30917 to implement, interpret, and make specific sections 69161-69617 of the Education Code establishing the State Nursing Assumption Program Of Loans For Education (SNAPLE).

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The broad objective of this proposal is to implement the SNAPLE student loan payment program established by Education Code sections 69616-69617.

Chapter 73 of the Statutes of 2005 enacted the State Nursing Assumption Program of Loans for Education (SNAPLE) in Education Code sections 69616-69616.7. This program authorizes CSAC to make payments for student loans on behalf of program participants who took out those loans to finance their graduate nursing education. The loan payments would begin only after those program participants obtain their graduate nursing degrees and after they complete an academic year of full-time, or the part-time equivalent, teaching in a nursing program in an accredited California college or university. The students are obligated to teach for three consecutive academic years of full-time teaching, or five consecutive years of part-time teaching. CSAC is required to select participants in the program from nominees, meeting specified criteria, submitted by accredited colleges and universities. The Legislature's stated intent for this loan assumption program is that it "be designed to encourage persons to complete their graduate educations and serve as nursing faculty at an accredited California college or university." (Educ. Code, § 69616(c).) Recognizing the growing need for new faculty members in the nursing field at California's colleges and universities, the Legislature found that "the rising costs of higher education, coupled with a shift in available financial aid from scholarships and grants to loans, make loan repayment options an important consideration in a student's decision to pursue a graduate degree in nursing education." (Educ. Code, § 69616(b).)

The proposed regulations would implement, interpret, and make specific the elements of SNAPLE. Specifically, the proposal would:

1. Define terms used in the regulations;
2. Establish and specify the requirements for applications to participate in the program;
3. Establish and specify the requirements for the nominations of students for the program by accredited colleges or universities that decide to participate in the program;



4. Establish the process by which CSAC will select program participants from among the nominated students;
5. Specify the requirements for loan assumption agreements between the selected program participants and CSAC;
6. Specify the requirements under which CSAC may make loan payments on behalf of the program participants;
7. Specify the consequences of a program participant's failure to complete the obligation to teach nursing.

There are no comparable provisions of federal law related to this proposal.

#### LOCAL MANDATE

This proposal does not impose a mandate on local agencies or school districts.

#### FISCAL IMPACT ESTIMATES

This proposal does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. This proposal does not impose other nondiscretionary cost or savings on local agencies. This proposal does not result in any cost or savings in federal funding to the state.

#### COSTS OR SAVINGS TO STATE AGENCIES

None.

#### EFFECT ON HOUSING COSTS

None

#### BUSINESS IMPACT/SMALL BUSINESSES

CSAC has made an initial determination that the proposed regulatory action would have no significant state-wide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposal would impose no costs upon business. The proposal does not affect small businesses as defined by section 11342.610. This proposal would affect a private sector or small business only if a private sector college or university voluntarily chooses to nominate its students to participate in SNAPLE.

#### ASSESSMENT REGARDING EFFECT ON JOBS/BUSINESSES

CSAC has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

#### COST IMPACT ON REPRESENTATIVE PERSON OR BUSINESS

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### BUSINESS REPORT

This regulatory proposal does not require a report.

#### ALTERNATIVES

CSAC must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the agency's attention, would be more effective in carrying out the purpose for which the adoption of this regulation is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action.

#### CONTACT PERSON

Inquiries concerning the proposed adoption of this regulation and written comment may be directed to:

Judith Beck  
California Student Aid Commission  
P. O. Box 419026  
Rancho Cordova, CA 95741-9026

(916) 526-8199

or

Linda Brown  
California Student Aid Commission  
P. O. Box 419026  
Rancho Cordova, CA 95741-9026

(916) 526-7599

#### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons and all the

information upon which the proposal is based may be obtained upon request from CSAC, P. O. Box 419026, Rancho Cordova, CA 95741-9026. These documents may also be viewed and downloaded from the CSAC website at [www.csac.ca.gov](http://www.csac.ca.gov).

#### INITIAL STATEMENT OF REASONS AND INFORMATION

CSAC has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

#### AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named above.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named above.

#### WEBSITE ACCESS

Materials regarding this proposal can be found at [www.csac.ca.gov](http://www.csac.ca.gov).

### TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

#### NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD AND NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

**PUBLIC MEETING:** On **April 20, 2006**, at 10:00 a.m. in the Auditorium, Room 102 of the Office Building 9, 744 P Street, Sacramento, California 95814.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

**PUBLIC HEARING:** On **April 20, 2006**, following the Public Meeting in the Auditorium, Room 102 of the Office Building 9, 744 P Street, Sacramento, California 95814.

At the Public Hearing, the Board will consider the public testimony on the proposed changes to occupational safety and health standards in Title 8 of the California Code of Regulations.

**BUSINESS MEETING:** On **April 20, 2006**, following the Public Hearing in the Auditorium, Room 102 of the Office Building 9, 744 P Street, Sacramento, California 95814.

At the Business Meeting, the Board will conduct its monthly business.

The meeting facilities and restrooms are accessible to the physically disabled. Requests for accommodations for the disabled (assistive listening device, sign language interpreters, etc.) should be made to the Board office no later than 10 working days prior to the day of the meeting. If Paratransit services are needed, please contact the Paratransit office nearest you.

#### NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, General Industry Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **April 20, 2006**.

1. **TITLE 8:** **GENERAL INDUSTRY SAFETY ORDERS**  
Chapter 4, Subchapter 7, Article 10  
New Section 3395  
**Heat Illness Prevention**
2. **TITLE 8:** **GENERAL INDUSTRY SAFETY ORDERS**  
Chapter 4, Subchapter 7, Article 15,  
Section 3482 and Article 109,  
Sections 5161 and 5178  
**Grain Handling Facilities**

A description of the proposed changes are as follows:

1. **TITLE 8: GENERAL INDUSTRY SAFETY ORDERS**  
Chapter 4, Subchapter 7, Article 10  
New Section 3395  
**Heat Illness Prevention**

#### INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This rulemaking action was initiated at the request of the Division of Occupational Safety and Health (Division). The request proposes a permanent Title 8 Section 3395 substantially similar to the emergency standard it is to supersede, which took effect August 22, 2005. Adoption of the emergency standard was prompted by a significant increase in the number of possible heat-related incidents reported to the Division starting approximately July 12, 2005. The majority of these incidents were subsequently found by Division investigations to be substantially heat-related according to medical opinion.

Currently, a number of existing Title 8 standards address related requirements with respect to key factors in control of heat-related illness, including the development of an injury and illness prevention program, provision of drinking water, and emergency first aid and medical response preparedness. These standards, which apply to various industry sectors, include sections 1230, 1512, 1524, 3203, 3363, 3400, 3439, 3457, 6251, 6512, 6969, 6975, 8420 and 8602. The proposed standard includes a reference to the existing requirements of these standards along with specific control and training measures to reduce the risk of heat-related illness.

There is no existing federal OSHA standard that specifically and comprehensively addresses prevention of heat illness. However, Federal OSHA does have requirements similar to those in the Title 8 standards identified above addressing drinking water, first aid, and other workplace factors that have applicability to prevention of heat illness.

#### **New Section 3395. Heat Illness Prevention**

The section proposed to be adopted as a permanent rule is to be placed in Article 10, Personal Safety Devices and Safeguards, immediately preceding the related Section 3400, Medical Services and First Aid.

#### **New Section 3395(a). Scope and Application**

This proposed subsection would provide that the requirements of the standard apply to all outdoor places of employment. The effect of the proposed subsection is to delineate the circumstances under which employers

must take the specific steps detailed in the standard to prevent heat illness, as well as provide notice to employers of other specific Title 8 standards relevant to prevention of heat illness with which they need to comply, as follows:

The proposed language includes a clarifying note that is without direct regulatory effect and does not add any additional regulatory requirements. The note clarifies that employers may, if they choose, integrate the requirements of the proposed standard into their Injury and Illness Prevention Program that is required by Section 3203. A second clarifying note, also not adding requirements, reiterates the Division's authority to enforce the proposed standard and references sections of the Labor Code that prohibit discriminating against employees for exercising their rights provided by this and other occupational safety and health standards.

The proposed subsection would limit the requirements of the proposed standard to employers with employees having significant exposure to outdoor work. The specific purpose of the proposed subsection is to limit the requirements of the proposed standard to employers with employees having significant exposure to outdoor work, with the intended effect of protecting employees performing such work from the increased risk of heat illness that can result from working without the environmental protections indoor working environments can provide.

The proposed subsection provides a list of other sections of Title 8, some of which are industry-specific and all of which may have application to the prevention of heat illness under certain circumstances, to make it clear to the regulated public that employers must continue to comply with these standards to the extent they apply after this proposed standard takes effect.

The scope of the emergency standard further limited application of its provisions to "those times when the environmental risk factors for heat illness as defined in (b), are present." This limitation is not included in the proposed permanent rule because of the variability of environmental risk factors and the resulting difficulty of predicting with confidence when environmental risk factors for heat illness may be present. Therefore, the proposed permanent standard will be applicable at all times.

#### **New Section 3395(b). Definitions**

The proposed language includes definitions for six terms used in the standard. The proposed definitions will clarify for employers what is meant when the defined terms are used in the standard.



- (1) A definition is proposed for the term “acclimatization”. The proposed definition will clarify the topic to be addressed in the employee training requirement of proposed subsection (e).
- (2) A definition is proposed for the term “heat illness.” The definition gives examples of some of the forms of heat illness that are intended to be prevented by the proposed standard. The list is not all-inclusive and there are other conditions that can result from excessive exposure to work in heat. The definition indicates the types of illnesses intended to be prevented by the proposed standard.
- (3) A definition is proposed for “environmental risk factors for heat illness.” The definition describes major environmental and working conditions that need to be addressed in order to reduce the risk of occurrence of heat illness. The list is comprehensive but not all-inclusive, and there are other factors of an environmental nature that can affect the risk of occurrence of heat illness. The definition identifies an important set of issues in the prevention of heat illness that employees and supervisors must be aware of through training required by subsection (e).
- (4) A definition is proposed for “personal risk factors for heat illness.” The definition describes major health-related factors that vary from individual to individual and have a significant impact on an employee’s risk of developing heat illness. The list is comprehensive but not all-inclusive, and there are other factors related to an individual employee’s habits or physical condition that can affect the risk of occurrence of heat illness. The definition identifies an important set of issues in the prevention of heat illness that employees and supervisors must be aware of through training required by subsection (e).
- (5) A definition is proposed for “preventative recovery period.” The definition describes the reason for providing access to shade in subsection (d) in order to effectively reduce the risk of occurrence of heat illness. The definition helps to clarify the intent behind the requirement to provide access to shade at outdoor places of employment.
- (6) A definition is proposed for “shade.” It is proposed to define shade as blockage of direct sunlight. The definition is written to allow employers to choose any effective method available to provide shade, including the use of canopies, umbrellas, and other temporary structures or devices. The proposed definition further provides one example of how the adequacy of sunlight blockage can be determined, i.e., by determining whether objects cast a shadow

in the area of blocked sunlight. While this is not the only acceptable method, and the adequacy of shade will depend to an extent on what is reasonable under the circumstances, it is still a simple, useful, and certain method employers can use to evaluate compliance. Finally, the definition makes it clear that the means for providing shade must be consistent with the purpose of shade, which is to provide cooling. The example of a car sitting in the sun without air conditioning is given as a non-compliant source of shade.

**New Section 3395(c). Provision of Water**

Proposed subsection (c) details requirements for the provision of drinking water as a means of controlling the risk of heat illness. The purpose of this proposed subsection is to reference existing drinking water requirements and to ensure that employees are provided with water quantities sufficient to maximize the effectiveness of drinking water as a measure to prevent heat illness. The proposed language requires a sufficient quantity for a full shift to be provided at the beginning of the shift, or periodically throughout the day in conjunction with effective procedures for replenishment. This subsection is necessary to give employers who provide water to their employees by means of portable containers appropriate notice of the specific minimum quantity of water they are required to provide.

The effect of this subsection is to give employers who provide water to their employees by means of portable containers appropriate notice of the specific minimum quantity of water they are required to provide when the standard is in effect.

**New Section 3395(d). Access to Shade**

Proposed subsection (d) details a requirement for employees performing outdoor work to have access to a shaded area for a period of no less than five minutes when a preventative recovery period is needed from the heat. The purpose of the proposed requirement is to ensure that employees needing a preventative recovery period have a suitable place to cool down.

**New Section 3395(e). Training**

Proposed subsection (e) details the topics which employees and supervisors are to be trained on with respect to prevention of, and response to, heat illness, its early signs and symptoms, and risk factors for its occurrence. The purpose of this proposed subsection is to clarify and make specific the training required to be provided to employees and supervisors with respect to prevention of, and response to, heat illness.

One change has been made to the language of the emergency standard, which is to require employers to train employees on the employer’s procedures for complying with this standard instead of training employees on the employer’s procedures for identifying, evaluat-

ing, and controlling exposures to the environmental and personal risk factors for heat illness.

The effect of this subsection is to ensure that employees are informed of various aspects of prevention and recognition of, and response to, heat illness, its early signs and symptoms, and risk factors for its occurrence. It will also ensure that employers have considered and developed procedures for complying with the requirements of the standard generally and specifically with respect to responding to the occurrence of symptoms of heat illness.

## COST ESTIMATES OF PROPOSED ACTION

### Costs or Savings to State Agencies

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting state agencies. The cost associated with providing suitable protection from heat illness, as required by the proposal, is expected to be offset by improved productivity, improvement of employee health, and saving lives.

There is no additional cost of providing water since water is already required by existing Title 8 standards. Specifying a requirement to provide at least one quart per hour is consistent with national consensus recommendations and industry practice and is not anticipated to be an additional cost.

The cost of providing shade is considered insignificant. Existing standards require personal protection when necessary to protect employees from harmful exposures. The additional cost of providing shade is estimated to be minimal for those few outdoor places of employment that do not already have shade where employees could potentially need a recovery period. Typical state agencies with a significant number of employees working outdoors include: Department of Forestry and Fire Protection (CDF), Department of Transportation, California Highway Patrol, Department of Corrections and Rehabilitation, Environmental Protection Agency, and Resources Agency. Employees of the other state agencies who work outdoors typically have access to shade. So very few, if any, would need to purchase canopies or other forms of additional shade. Temporary shade structures can be purchased for approximately \$100, and can be erected in minutes. However, for those few locations that need additional shade, this additional cost would be more than offset by the increased productivity, improvement of employee health and saving lives associated with the benefits of shade and other cooling measures. Therefore, any additional cost associated with providing shade to employees, as required by the proposal, is estimated to be insignificant to none.

The proposed employee training requirements are performance based and do not mandate a specific amount of training time. Training is already required by Section 3203, Injury and Illness Prevention Program, and therefore should not be considered an added cost of this proposed standard.

### Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

### Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

### Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. See the discussion of cost or savings to state agencies above.

### Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

### Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

### Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies. See the discussion of cost or savings to state agencies above.

## DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standard does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed standard will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, this standard does not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing ser-

vices to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

This proposed standard does not require local agencies to carry out the governmental function of providing services to the public. Rather, the standard requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, this proposed standard does not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

This proposed standard does not impose unique requirements on local governments. All state, local and private employers who perform agricultural operations will be required to comply with the prescribed standard.

#### EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed standard may affect small businesses. However, no economic impact is anticipated.

#### ASSESSMENT

The adoption of the proposed standard will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

#### REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### 2. TITLE 8: GENERAL INDUSTRY SAFETY ORDERS

Chapter 4, Subchapter 7, Article 15,  
Section 3482 and Article 109,  
Sections 5161 and 5178  
**Grain Handling Facilities**

#### INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This proposed rulemaking is the result of a Petition (OSHSB File No. 452) to the Occupational Safety and

Health Standards Board (Board) from Robert D. Peterson, Law Corporation, on behalf of the California Grain and Feed Association. The Petitioner requested the Board to adopt Federal standards contained in 29 CFR 1910.272, Grain Handling Facilities, and its non-mandatory informational appendices. The Petitioner stated that the purpose in requesting the adoption of the federal standards is to consolidate safety requirements for grain storage and handling facilities, including feed mills, grain elevators, rice mills, rice dryers and grain warehouses into a single standard. Although state standards pertaining to grain handling facilities are contained in various sections throughout the General Industry Safety Orders (GISO), there are no comparable state standards for some federal grain handling standards.

Outdoor grain storage, a practice somewhat unique to California because of climatic conditions, is not addressed in the federal standards. The outdoor grain pile storage method as it is applied in California is similar in effect to flat storage; that is, the grain will not empty by gravity, but must be moved by the use of powered equipment or manual means. Therefore, the Petitioner proposed that federal standards for flat storage structures found in 29 CFR 1910.272(h), "Entry into flat storage structures," should apply to outdoor grain storage piles.

The petition was granted by the Board to the extent that an advisory committee was convened to compare the state's grain handling and storage facility standards with federal counterpart requirements and, if warranted, develop a rulemaking to ensure that the state's standards are up-to-date and at least as effective as those contained in 29 CFR 1910.272.

State standards for grain handling facilities have been compared with federal standards, and where not at least as effective, modifications to existing GISO sections 5161 and 5178 have been proposed. Board staff notes that the federal standard is a vertical (industry-specific) standard and that Title 8 is primarily written as a horizontal standard. Therefore, some federal standards have state counterparts in other sections of Title 8. The proposed rulemaking only proposes to update portions of sections 5161 and 5178 where there are no state counterpart standards to those presently found in the federal standard.

GISO section 3482, Bulk Storage of Loose Material, addresses flat storage of loose materials such as sand, sawdust, chips, gravel, fuel, seed or similar granular or loose materials within bins, bunkers, hoppers, silos or other structures. As currently adopted, section 3482 has been interpreted to include outdoor grain storage. However, the advisory committee determined that grains are not free flowing (loose) materials and do not present an engulfment hazard as addressed by section 3482.



As part of the review and comparison of state standards for grain handling with the federal grain handling standards contained in 29 CFR 1910.272, the Petitioner has requested that the provisions of 1910.272(h), "Entry into flat storage structures," should be clarified to apply to outdoor grain piles as well. In order to accomplish this, Board staff's proposal includes a note and a few minor modifications to section 3482 to eliminate confusion about its applicability and to direct the public to section 5178 for requirements pertinent to grain handling facilities.

This proposed rulemaking action contains numerous nonsubstantive, editorial, reformatting of subsections, and grammatical revisions. These nonsubstantive revisions are not all discussed in this Informative Digest. However, these proposed revisions are clearly indicated in the regulatory text in underline and strikeout format. In addition to these nonsubstantive revisions, the following actions are proposed:

**Section 3482. Bulk Storage of Loose Material.**

This section prescribes work practices, construction and equipment for bulk storage of loose material where the hazard of engulfment/entrapment exists by virtue of the flow characteristics of the stored material. Board staff, with the assistance of the advisory committee, determined that grains are not free flowing (loose) materials and thus do not present an engulfment hazard as addressed by section 3482. Therefore, a note is proposed for subsection 3482(a) that work in grain handling facilities shall be in accordance with the provisions of section 5178, Grain Handling Facilities. References to grain in subsections (c)(1) and (e) are also proposed to be deleted.

The effect of these proposed modifications would be to clarify that section 3482 is not intended to apply to grain handling facilities and to direct the regulated public to section 5178 for standards for grain handling facilities.

**Section 5161. Definitions.**

This section contains definitions for terms used in Article 109, Hazardous Substances and Processes. It is proposed to define "flat storage structure" as "a grain storage building or structure, that is not a confined space as defined by section 5158, that will not empty completely by gravity, and that has an unrestricted ground level opening to permit entry to reclaim grain using powered equipment or manual means. Flat storage structures include flat bottom buildings where grain is stored on the floor or other structures where grain is stored in a pile in bulk on a flat bottom surface." The effect of this new definition [based on 29 CFR 1910.272(c)] would be to clarify the application of section 5178 for flat grain storage structures.

**Section 5178. Grain Handling Facilities.**

**Subsection (a), Scope.**

An existing subsection (a), which requires the employer to issue a written authorization before employees enter bins, silos, or tanks is proposed to be relocated to subsection (b). This relocation is necessary in order to clarify the scope of section 5178 by titling, lettering and amending an existing unlettered introductory sentence which describes the scope of section 5178 as follows: "This section and section 5158 applies to all grain handling facilities."

Modifications are proposed to clarify the scope of section 5178 as follows:

The scope section is proposed to be lettered subsection (a) and entitled "Scope," in order to assist users in the proper application of this subsection. Four subsections are proposed to clarify the scope of section 5178 as follows:

- (1) The existing unlettered introductory sentence is proposed to be lettered subsection (a)(1) and to be amended to include grain elevators, flat outdoor storage and flat storage structures, feed mills, flour mills, rice mills, dust pelletizing plants, dry corn mills, soybean flaking operations, and the dry grinding operations of soybean. The general cross-reference to section 5158 is proposed to be deleted due to proposed modifications and more specific cross-references elsewhere in the standard.
- (2) A new subsection (a)(2) is proposed to define the term "grain" for the purposes of this section.
- (3) A new subsection (a)(3) is proposed to clarify that this section contains requirements for the control of grain dust fires and explosions, and certain other safety hazards associated with grain handling facilities.
- (4) The existing "exception" to the unlettered introductory sentence is proposed to be modified and designated subsection (a)(4). "On-farm and feedlot facilities" are proposed to be removed from the exception as this exclusion is not found in the federal counterpart and because some California dairy farmers store livestock feed grains outdoors on their farms.

The effect of these relocations and modifications is to clarify the scope of section 5178 and to substantially conform it to its federal counterpart [29 CFR 1910.272(a) and (b)].

**Subsection (b), Entry into grain storage structures.**

**Subsections (b)(1) and (b)(2).**

Existing subsection (a) requires the employer to issue a written authorization before employees enter bins, silos, or tanks, unless the operation is under the supervi-



sion of a qualified supervisor. Existing subsection (b) requires atmospheric testing of confined spaces prior to entry. Since both existing subsections (a) and (b) deal with entry into grain storage structures, they are proposed to be included in a new subsection (b) entitled "Entry into grain storage structures." Subsections (a) and (b) are also proposed to be re-lettered as subsections (b)(1) and (b)(2) respectively.

A clarification for subsection (b)(1) is also proposed. The current verbiage could be interpreted to be limited only to bins, silos or tanks. A modification is proposed to clarify that this provision applies to entry into any confined space in a grain handling facility.

The effect of these modifications would be to simplify application by grouping entry requirements for grain storage structures of all types into one subsection.

**Subsection (b)(3).**

This new subsection is proposed to clarify that existing lockout/tagout provisions of section 3314 apply when employees must enter grain storage structures.

California lockout/tagout standards are a horizontal/industry-wide requirement; however the inclusion of a cross-reference here clarifies their applicability to grain handling facilities. The effect of the cross-reference would be to simplify compliance for affected parties and substantially conform the California standard to the counterpart federal standard [29 CFR 1910.272(g)(1)(ii)].

**Subsection (b)(4).**

This new subsection is proposed to prohibit employees from "walking down grain" to make it flow and to prohibit employees from walking or standing on moving grain.

The effect of this subsection, which is verbatim of the federal standard [29 CFR 1910.272(g)(1)(iv) and (h)(2)(ii)], would be to protect employees from engulfment hazards and from being caught in equipment, such as augers, used to move grain into or out of grain structures.

**Subsection (b)(5).**

This new subsection is existing subsection (h), which has been relocated and clarified to include grain products as well as grain. It would prohibit employees from being underneath a bridging condition, or in any other location where an accumulation of grain or grain products on the sides or elsewhere could fall and engulf the employee.

The effect of these modifications would be to clarify its application to all grain storage structures (not just bins, silos and tanks) and to include engulfment hazards caused by bridging and/or accumulation of grain products as well as grain.

**Subsection (b)(6).**

This new subsection would require the employer to equip the employee with a Class III body harness with lifeline, or a boatswain's chair, and would require a second employee to be present when an employee enters a grain storage structure from a level at or above the level of the stored grain or grain products, or when an employee walks or stands on or in stored grain of a depth which poses an engulfment hazard.

A new subsection (b)(6)(A) is proposed to require that the lifeline be positioned, and of sufficient length, to prevent the employee from sinking further than waist-deep in the grain. Exceptions are proposed: (1) Where the employer can demonstrate that the protection required by this subsection is not feasible or creates a greater hazard, the employer shall provide an alternative means of protection to prevent the employee from sinking further than waist-deep in the grain; (2) To permit the lifeline or alternative means to be disconnected or removed when the employee is standing or walking on a surface which the employer demonstrates is free from engulfment hazards. The effect of this new subsection would be to conform California standards to counterpart federal standards [29 CFR 1910.272(g)(2) and (h)(1)].

**Subsection (b)(7).**

This new subsection would require the employer to provide necessary equipment and qualified personnel for rescue operations. The effect of this new subsection would be to substantially conform California standards to counterpart federal standards [29 CFR 1910.272(g)(4)].

**Subsection (c), Hot work.**

Existing subsection (c) which prescribes housekeeping requirements for grain elevators is proposed to be relocated to subsection (d) in order to permit the insertion of a new subsection for hot work.

A new subsection (c) is proposed to be entitled "Hot work." It would require the employer to issue a permit for all hot work, with two exceptions, consistent with federal standards. The effect of this new subsection (c) would be to substantially conform California standards for hot work at grain handling facilities to counterpart federal standards [29 CFR 1910.272(f)].

**Subsection (d), Housekeeping.**

Existing subsection (d), which prescribes monitoring requirements for fabric dust filter collectors is proposed to be relocated to subsection (f)(1) in order to accommodate housekeeping requirements which are being relocated from existing subsection (c).

The new subsection (d) is proposed to be entitled "Housekeeping," and would contain the housekeeping provisions of existing subsection (c), including the existing exception, and is proposed to be amended with

additional provisions found in the federal counterpart standard [29 CFR 1910.272(j)(1) and (j)(3)] which are not presently found in Title 8. The amendments would (1) require the housekeeping program to be in writing, and (2) include federal restrictions on the use of compressed air for dust removal. The effect of these amendments would be to conform California standards for housekeeping to counterpart federal standards [29 CFR 1910.272(j)].

**Subsection (e), Grate openings.**

Existing subsection (e) which prescribes automatic control requirements for direct-heat grain dryers is proposed to be relocated to subsection (i)(1) in order to accommodate new proposed standards for grate openings.

The new subsection (e) is proposed to be entitled "Grate openings," and would require grain receiving-pits to be covered by grates. The proposed subsection would also specify the maximum permissible grate opening size. The proposed subsection is verbatim of federal standards [29 CFR 1910.272(k)]. The effect of these amendments would be to protect employees from falling into pits or getting their feet lodged in grates covering pit grate openings, and would conform California standards to those of counterpart federal standards.

**Subsection (f), Filter collectors.**

Existing subsection (f), which prescribes permissible locations for direct-heat grain dryers is proposed to be relocated to subsection (i)(2) in order to accommodate monitoring requirements for fabric dust filter collectors which are proposed to be relocated from existing subsection (d).

The new subsection (f) is proposed to be entitled "Filter collectors." Proposed subsection (f)(1) would contain existing pressure drop monitoring requirements for fabric dust filter collectors which are part of a pneumatic dust collection system. These provisions are proposed to be relocated from existing subsection (d).

Proposed subsection (f)(2) would prescribe permissible locations for installation of filter collectors. This subsection is substantially equivalent to existing federal standards [29 CFR 1910.272(l)(2)]. The effect of these modifications and amendments would be to conform California standards to those of counterpart federal standards.

**Subsection (g), Preventive maintenance.**

Existing subsection (g) contains requirements for inside bucket elevators, including operation, maintenance, equipment access, and monitoring. This subsection is proposed to be relocated to new subsection (j) in order to accommodate new subsection (g) for preventive maintenance. The new subsection (g) is proposed to be entitled "Preventive maintenance."

Proposed subsection (g)(1) would require the employer to implement preventive inspection and maintenance

procedures, and prescribes the general content of those procedures. Proposed subsection (g)(2) would require the employer to take prompt corrective measures for deficiencies and malfunctions that are discovered. Proposed subsections (g)(1) and (g)(2) are verbatim of existing federal standards [29 CFR 1910.272(m)(1) and (m)(2)].

Proposed subsection (g)(3) states that lockout/tagout procedures shall be implemented in accordance with section 3314, and is substantially equivalent to existing federal standards [29 CFR 1910.272(m)(4)]. The effect of subsection (g) would be to conform California standards to counterpart federal standards.

**Subsection (h), Grain stream processing equipment.**

Existing subsection (h) prohibits employees from entering bins, silos, or tanks underneath a bridging condition, or where a buildup of grain products on the sides could fall and bury them. This existing subsection is proposed to be relocated to subsection (b)(5).

A new subsection (h) is proposed to be entitled "Grain stream processing equipment" and it would require grain stream processing equipment to be equipped with an effective means of removing ferrous materials from the incoming grain stream. The effect of this new subsection (h) is to conform California standards to counterpart federal standards [29 CFR 1910.272(n)].

**Subsection (i), Continuous-flow bulk grain dryers.**

Existing subsection (i) requires documentation of inspections and maintenance performed on grain handling machinery and equipment. The existing subsection (i) is proposed to be relocated to new subsection (k) in order to accommodate provisions for continuous-flow bulk grain dryers, which are being combined and relocated from existing subsections (e) and (f).

The new subsection (i) is proposed to be entitled "Continuous-flow bulk grain dryers." New subsection (i)(1) would contain existing automatic control requirements for direct-heat grain dryers which are proposed to be relocated from existing subsection (e). New subsection (i)(2) would contain existing provisions proposed to be relocated from existing subsection (f) which prescribes permissible locations for direct-heat grain dryers. These proposed relocations would have no regulatory effect and are only proposed in order to accommodate other provisions which are being inserted to conform California standards to counterpart federal standards.

**Subsection (j), Inside bucket elevators (bucket elevators).**

This is a new subsection created to incorporate existing provisions for inside bucket elevators which are currently contained in existing subsection (g). The title of new subsection (j), "Inside bucket elevators (bucket elevators)," is proposed to be the same as existing sub-

section (g). No substantive changes are proposed to the existing text. These proposed relocations would have no regulatory effect and are only proposed in order to accommodate other provisions which are being inserted to conform California standards to counterpart federal standards.

**Subsection (k), Record keeping.**

This new subsection is proposed to be entitled “Record keeping” and to incorporate the existing provisions of subsection (i) which requires documentation of inspections and maintenance performed on grain handling machinery and equipment. The existing requirements of subsection (i) have been amended to include documentation of preventive maintenance required by subsection 5178(g). The effect of the amendment is to substantially conform to the federal counterpart [29 CFR 1910.272(m)(3)] and to assure that preventive maintenance is performed and documented, thus improving workplace safety.

**Subsection (l), Contractors.**

This new subsection is proposed to require the employer to inform contractors performing work at the grain handling facility of (1) known potential fire and explosion hazards related to the contractor’s work and work area, (2) applicable safety rules of the facility, and (3) applicable provisions of the emergency action plan. The effect of this amendment would be to conform California standards to counterpart federal standards [29 CFR 1910.272(i)].

**Subsection (m), Emergency escape.**

This new subsection is proposed to require the employer to provide means of escape from galleries (bin decks) and from tunnels in grain elevators. The effect of this amendment would be to conform California standards to counterpart federal standards [29 CFR 1910.272(o)].

**Subsection (n), Training.**

This new subsection is proposed to prescribe training specific for grain handling facilities. The proposed subsection would also cross-reference section 3203 for general industry training requirements. The effect of this amendment would be to substantially conform California standards to counterpart federal standards [29 CFR 1910.272(e)].

**Subsection (o), Emergency action plan.**

This new subsection is proposed to direct the employer to existing general industry requirements for an emergency action plan which are found in section 3220. The effect of this amendment would be to substantially conform California standards to counterpart federal standards [29 CFR 1910.272(d)].

COST ESTIMATES OF PROPOSED ACTION

**Costs or Savings to State Agencies**

No costs or savings to state agencies will result as a consequence of the proposed action.

**Impact on Housing Costs**

The Board has made an initial determination that this proposal will not significantly affect housing costs.

**Impact on Businesses**

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

**Cost Impact on Private Persons or Businesses**

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**Costs or Savings in Federal Funding to the State**

The proposal will not result in costs or savings in federal funding to the state.

**Costs or Savings to Local Agencies or School Districts Required to be Reimbursed**

No costs to local agencies or school districts are required to be reimbursed. See explanation under “Determination of Mandate.”

**Other Nondiscretionary Costs or Savings Imposed on Local Agencies**

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standards do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these standards do not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and



entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

The proposed standards do not require local agencies to carry out the governmental function of providing services to the public. Rather, the standards require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed standards do not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

These proposed standards do not impose unique requirements on local governments. All state, local and private employers will be required to comply with the prescribed standards.

### EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses; however, no economic impact is anticipated.

### ASSESSMENT

The adoption of the proposed amendments to these standards will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

### REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

A copy of the proposed changes in STRIKEOUT/ UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives has been prepared and is available upon request from the Standards Board's Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consider-

ation. It is requested, but not required, that written comments be submitted so that they are received no later than April 14, 2006. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on April 20, 2006, will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at [oshsb@dir.ca.gov](mailto:oshsb@dir.ca.gov). The Occupational Safety and Health Standards Board may thereafter adopt the above proposal substantially as set forth without further notice.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Keith Umamoto, Executive Officer, or Michael Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

## TITLE 13. CALIFORNIA AIR RESOURCES BOARD

### NOTICE OF PUBLIC HEARING TO CONSIDER ADOPTION OF NEW EMISSION STANDARDS, FLEET REQUIREMENTS, AND TEST PROCEDURES FOR FORKLIFTS AND OTHER INDUSTRIAL EQUIPMENT

The Air Resources Board (the Board or ARB) will conduct a public hearing at the time and place noted below to consider the adoption of new emission standards and test procedures for forklifts and other industrial equipment with 2007 and later model-year off-road large spark-ignition (LSI) engines, requirements for fleet users of such equipment, and verification procedures for retrofit control systems.



DATE: April 20, 2006  
 TIME: 9:00 am.  
 PLACE: Long Beach Convention & Entertainment Center  
 300 E. Ocean Boulevard  
 Long Beach, CA 90802

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m. on April 20, 2006, and may continue at 8:30 a.m. on April 21, 2006. This item may not be considered until April 21, 2006. Please consult the agenda for the meeting, which will be available at least 10 days before April 20, 2006, to determine the day on which this item will be considered.

If you have a disability-related accommodation need, please go to <http://www.arb.ca.gov/html/ada/ada.htm> for assistance or contact the ADA Coordinator at (916) 323-4916. If you are a person who needs assistance in a language other than English, please contact the Bilingual Coordinator at (916) 324-5049. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

#### INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

**Sections Affected:** Proposed amendments and adoptions to title 13, California Code of Regulations, and the documents incorporated by reference therein: Amend sections 2430, 2433, and 2434. Amend the title of incorporated "California Exhaust Emission Standards and Test Procedures for New 2001 and Later Off-Road Large Spark-Ignition Engines," adopted September 1, 1999; adopt incorporated "California Exhaust Emission Standards and Test Procedures for New 2007 through 2009 Model-Year Off-Road Large Spark-Ignition Engines," adopt incorporated "California Exhaust Emission Standards and Test Procedures for New 2007 and Later Model-Year Off-Road Large Spark-Ignition Engines," and adopt incorporated "California Exhaust and Emission Standards and Test Procedures for New 2010 and Later Model-Year Off-Road Large Spark-Ignition Engines." Adopt sections 2775, 2775.1, 2775.2, 2780, 2781, 2782, 2783 2784, 2785, 2786, 2787, 2788, and 2789.

**Background:** Over 90 percent of Californians breathe unhealthful air at times. To improve air quality and human health, ARB establishes requirements to reduce emissions from new and in-use motor vehicles and engines, as well as other sources. To reduce emissions from off-road vehicles, ARB adopted regulations in late 1998 requiring that new forklift and other off-road large spark-ignition (LSI) engines comply with a standard of 3.0 grams per brake horsepower per hour

(g/bhp-hr) HC+NOx starting in 2001. The regulation phased-in the standard such that by 2004, all new engines met this requirement. The United States Environmental Protection Agency (U.S. EPA) later adopted its own LSI regulation. The U.S. EPA regulation required all new LSI engines nationwide to meet the same 3.0 g/bhp-hr standard as of January 2004 and a 2.0 g/bhp-hr standard beginning in 2007.

As a result of these regulations, new LSI engines are now 75 percent cleaner than previously uncontrolled engines, and engines meeting the 2007 standard will be approximately 85 percent cleaner. Opportunities exist, however, to further reduce emissions from LSI equipment. The 2003 State Implementation Plan for the South Coast Air Basin included two measures to further reduce emissions from LSI engines. The first measure proposed that the California program harmonize with the U.S. EPA regulations by adopting the 2.0 g/bhp-hr emission standard for 2007 and beyond. The second measure proposed that existing uncontrolled LSI engine emissions be reduced by 80 percent, or to a 3.0 g/bhp-hr verification level. The latter measure also proposes that zero and near-zero emission standards be developed for new LSI engines. The proposed regulation described below meets the objectives of the two SIP measures.

In June 2005, ARB presented an initial proposal to reduce LSI emissions to the Board. At that time, questions arose about the economic impact of the proposal on forklift dealers and agricultural-related businesses that could not be fully answered. As a result, the Board deferred action to a later date and directed staff to investigate these issues further. Subsequently, ARB staff conducted a series of meetings and additional analysis to better understand the potential economic impacts on stakeholder groups. A revised proposal has been developed in light of this new information. It is similar in structure to the previous proposal, but contains two key revisions designed to significantly reduce the economic impacts on these stakeholders.

#### Proposed Provisions Applicable to Engine Manufacturers

The proposal has three components that affect manufacturers of LSI engines. The first component harmonizes the ARB standard with the more stringent U.S. EPA emission standards and test procedures that become effective in 2007. Under this requirement, manufacturers of 2007 and later model year engines must meet a 2.0 g/bhp-hr HC+NOx and 3.3 g/bhp-hr carbon monoxide (CO) emission standards.

The second component would require that new 2010 and subsequent model year engines meet a 0.6 g/bhp-hr HC + NOx with a corresponding CO emission standard of 15.4 g/bhp-hr. By allowing CO emissions to in-

crease, lower ozone-forming emissions can be achieved.

The third component establishes optional low-emission standards below the 2007 and 2010 mandatory standards. Under this component, engines could be certified to optional low-emission engine standards of 0.1, 0.2, 0.4, 0.6, 1.0 and 1.5 g/bhp-hr HC+NOx through the 2009 model year, and 0.1, 0.2 and 0.4 g/bhp-hr HC+NOx in 2010 and beyond. Demand for these low-emission engines is created by the other part of the staff's proposal that requires fleet operators to reduce emissions.

The proposal would also incorporate by reference the current certification and test procedures adopted by the U.S. EPA for the 2007-2009 model years. Starting in 2010, the proposal includes modifications to such areas as production line testing and in-use compliance, which are consistent with other ARB off-road regulations.

#### Proposed Provisions Applicable to Fleet Operators

To address emissions from high-polluting, uncontrolled in-use engines and to encourage the use of zero-emission and lower-emission equipment, the ARB staff is proposing fleet-average emission requirements for large and mid-size fleets of equipment powered by LSI engines, including forklifts, industrial tow tractors, sweepers/scrubbers, and airport ground support equipment. Fleet size is determined by aggregating each operator's equipment in California. Large LSI fleets are defined as those with more than 25 pieces of equipment while mid-size fleets are defined as those with 4 to 25 pieces of equipment.

Large fleets would have to meet more stringent fleet averages than mid-size fleets because they have greater flexibility when incorporating combinations of emission-reduction strategies to achieve a prescribed level. Additionally, the fleet average would be more stringent for the forklift portion of the fleet than for the non-forklift portion of the fleet.

The fleet average would be determined using the certification levels of 2001 and newer LSI engines and the retrofit verification levels of engines with retrofit kits. These values are clearly indicated on the engine label. To make the proposal less complex and less intrusive for operators while maintaining cost effective emission benefits, the fleet average would not incorporate load factor, horsepower, or hours of use.

Small fleets, those with one to three pieces of equipment, would be exempt from the fleet average requirement. Exempting small fleets greatly reduces the number of businesses impacted and significantly reduces the impact on equipment dealers, but also results in reduced emission benefits.

The proposal provides operators of LSI fleets with the flexibility to incorporate any combination of retrofits, low-emission purchases, and zero-emission electric purchases to meet the fleet-average emission level. The following table summarizes the proposed fleet-average emission levels for forklift and non-forklift LSI fleets.

In-use Fleet Average Emission Requirement  
(g/bhp-hr)

— LSI Fleet Type	Number of units	Jan. 2009	Jan. 2011	Jan. 2013
Large forklift component	26 +	2.4	1.7	1.1
Mid-size forklift component	4-25	2.6	2.0	1.4
Mid-size or Large Non-forklift	N/A	3.0	2.7	2.5
Small fleet	1-3	Exempt		

#### Airline Ground Service Equipment in the South Coast Air Basin

In addition to meeting the fleet-average emission limits, airlines operating ground support equipment (GSE) at airports in the South Coast Air Basin are required to include a specified percentage of zero-emission GSE in their fleets, consistent with a previous memorandum of understanding with the ARB.

#### Alternative Compliance Option for Agricultural-Related Fleets

ARB staff is proposing an alternative compliance option for agricultural-related fleets that reflects the longer retention period characteristic of agricultural operations. Under this option, agricultural fleet operators would be required to control (to a 3.0 g/bhp-hr level) their uncontrolled forklifts for which there are commercially available retrofit control systems have been verified. The proposed compliance timeframes provide an opportunity for these fleets to receive Carl Moyer Program incentives for up to 80 percent of the equipment affected.

#### Verification Procedure

ARB staff is also proposing a verification procedure for retrofit control systems that may be used to meet the proposed fleet average emission requirements. Such procedures will ensure that the retrofit systems deliver real and quantifiable emission reductions.

## COMPARABLE FEDERAL REGULATIONS

In 1998 California adopted emission standards for new LSI engines. Following California's lead, in 2002 U.S. EPA did the same (Volume 67, Federal Register, page 68242, November 8, 2002; title 40, Code of Federal Regulations, part 1048). As the preamble to the federal regulations notes, the federal regulations extend California's standards for new LSI engines to the rest of the United States in 2004 through 2006 and adopt more stringent standards for new LSI engines beginning in 2007.

In the staff's proposal, California would harmonize with the federal standards for new LSI engines in 2007 through 2009 and would adopt more stringent California standards for 2010 and later. Staff's proposal also incorporates and revises federal test procedures for the respective model-years.

To further reduce emissions from LSI engines, the proposal requires California LSI equipment operators to meet fleet-average standards. The federal regulations do not impose requirements on fleet operators or on in-use engines.

## AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

The Board staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the Proposed Regulatory Action, which includes a summary of the economic and environmental impacts of the proposal. The report entitled: Staff Report: New Emissions Standards, Fleet Requirements, and Test Procedures for Forklifts and Other Industrial Equipment.

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on the ARB's web site listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1<sup>st</sup> Floor, Sacramento, CA 95814, (916) 322-2990 at least 45 days prior to the scheduled hearing on April 20, 2006.

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the ARB's web site listed below.

Inquiries concerning the substance of the proposed regulation may be directed to Mr. Mark Williams by phone at (916) 327-5610 or by email at [mwilliam@arb.ca.gov](mailto:mwilliam@arb.ca.gov), or to Mr. Tom Evashenk by phone at (916) 445-8811 or by email at [tevashenk@arb.ca.gov](mailto:tevashenk@arb.ca.gov).

Further, the agency representative and designated back-up contact persons to whom nonsubstantive inquiries concerning the proposed administrative action

may be directed are Artavia Edwards, Manager, Board Administration & Regulatory Coordination Unit, (916) 322-6070, or Alexa Malik, Regulations Coordinator, (916) 322-4011. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

This notice and the ISOR are available on the ARB Internet site for this rulemaking: <http://www.arb.ca.gov/regact/lore2006/lore2006.htm>. All subsequent regulatory documents, including the FSOR, will be available from the same Internet site when completed.

## COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determination of the Board's Executive Officer concerning the costs or savings necessarily incurred by the public agencies and private persons and businesses in reasonable compliance with the proposed regulations are presented below.

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action will not create costs or savings to any State agency or in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the state pursuant to part 7 (commencing with section 17500), division 4, title 2 of the Government Code, or other nondiscretionary savings to State or local agencies.

In general, local and State agencies will need to comply with the regulatory standards by purchasing new low emission equipment or by retrofitting existing equipment. However, the staff analysis concludes that over the life of the equipment, a reduction in operating costs through improved fuel use and reduced maintenance can offset a significant portion of the increased initial cost.

In developing this regulatory proposal, the ARB staff evaluated the potential economic impacts on representative private persons or businesses. ARB is not aware of any cost impacts on representative private persons. Businesses will incur cost impacts as described in the ISOR for this rulemaking.

The regulations may impact small businesses; however because of the exemption for small fleets (defined in the regulations as operators of one to three pieces of equipment) the Executive Officer believes that the number of small businesses affected, if any, will be minimal.

The Executive Officer has also determined that adoption of the proposed regulatory action will not have a



significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. An assessment of the economic impacts of the proposed regulatory action can be found in the ISOR.

In accordance with Government Code sections 11346.3(c) and 11346.5(a)(11), the Executive Officer has found that the reporting requirements of the regulation which apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### BENEFITS OF THE PROPOSAL

The staff analysis of the proposal indicates that the statewide emissions benefit associated with the new engine standards and operator fleet average emission requirements exceed 5.7 tons per day of HC+NO<sub>x</sub> in 2010 and 6.2 tons per day of HC+NO<sub>x</sub> in 2020. The emission benefits are just below the lower HC+NO<sub>x</sub> range of 6.2 to 13.1 tons per day in 2010 in the Board's state implementation plan commitment for ozone. The cost-effectiveness of the proposal compares favorably with that of other mobile source regulations promulgated by the ARB.

#### SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing at the hearing, and in writing or by e-mail before the hearing. To be considered by the Board, written submissions not physically submitted at the hearing must be received **no later than 12:00 noon, April 19, 2006** and addressed to the following:

Postal mail is to be sent to:

Clerk of the Board  
Air Resources Board  
1001 I Street, 23<sup>rd</sup> Floor  
Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php> **no later than 12:00 noon, April 19, 2006.**

Facsimile transmissions are to be transmitted to the Clerk of the Board at (916) 322-3928 and received at the ARB **no later than 12:00 noon, April 19, 2006.**

The Board requests but does not require that 30 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each document. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

#### STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under that authority granted in Health and Safety Code, sections 39002, 39003, 39500, 39600, 39601, 39650-39675, 43000, 43011, 43013, 43017, 43018, 43101, 43102, 43104, 43600, and 43700. This action is proposed to implement, interpret and make specific Health and Safety Code sections 43000, 43009.5, 43013, 43017, 43018, 43101, 43102, 43104, 43105, 43106, 43107, 43150, 43151, 43152, 43153, 43154, 43204, 43205, 43205.5, 43210, 43210.5, 43211, and 43212.

#### HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed or with nonsubstantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action; in such event the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1<sup>st</sup> Floor, Sacramento, California 95814, (916) 322-2990.



## TITLE 16. BOARD OF PHARMACY

NOTICE IS HEREBY GIVEN that the Board of Pharmacy is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board of Pharmacy at its office not later than 5:00 p.m. on April 17, 2006.

The board will hold a public hearing starting at 3:00 p.m. on April 26, 2006 at the Red Lion Hotel, 1401 Arden Way, Sacramento, CA 95815, telephone (916) 922-8040. At the hearing any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The board requests, but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

The Board of Pharmacy, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 4005, 4007, 4038, 4115, and 4202 of the Business and Professions Code, and to implement, interpret or make specific Sections 4007, 4038, 4115 and 4202 of said Code, the Board of Pharmacy is considering changes to Division 17 of Title 16 of the California Code of Regulations as follows:

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 4005 of the Business and Professions Code grants the Board of Pharmacy authority to adopt regulations relating to the practice of pharmacy.

Section 4007 of the Business and Professions Code authorizes the board to adopt rules and regulations that may require a pharmacist to perform functions only under the effective supervision of a pharmacist who shall have the overall responsibility for supervising all activities that take place in the pharmacy.

Section 4029 of the Business and Professions Code defines "hospital pharmacy."

Section 4038 of the Business and Professions Code defines "pharmacy technician."

Section 4051 of the Business and Professions Code authorizes pharmacists to initiate a prescription and provide clinical advice or information or patient consultation when all of the following conditions are met: (1) the clinical advice or information or patient consultation is provided to a health care professional or to a patient; (2) the pharmacist has access to prescription, patient profile, or other relevant medical information for purposes of patient and clinical consultation and advice; and (3) access to the information described in (2) is secure from unauthorized access and use.

Section 4052 of the Business and Professions Code describes the functions a pharmacist is allowed to perform.

Section 4115 of the Business and Professions Code specifies the activities that may be preformed by a pharmacy technician.

Section 4202 of the Business and Professions Code specifies the requirements for becoming a licensed pharmacy technician.

Division 17, Title 16 of the California Code of Regulations, section 1793.7 describes the requirements for employing pharmacy technicians.

This proposed regulation of section 1793.8 will permit general acute care hospitals to employ specially trained pharmacy technicians in place of pharmacists to check the work of other pharmacy technicians filling floor stock, ward stock, and unit dose cassettes. Hospitals with a technician checking technician (TCT) program will be required to deploy pharmacists to the inpatient care setting to provide clinical services. Prior to initiating a TCT program, a general acute care hospital pharmacy will be required to have on file a description of the clinical pharmacy program.

To ensure quality patient care and reduce medications errors, the regulation will also require that a TCT program have the following components:

- The overall operation of the program shall be the responsibility of the pharmacist-in-charge.
- The program will be under the direct supervision of a pharmacist and the parameters for the direct supervision shall be specified in the facility's policies and procedures.
- The pharmacy technician who performs the checking function must have received specialized and advanced training as prescribed in the policies and procedures of the facility.
- There must be ongoing evaluation of each program that uses pharmacy technicians to check the work of other pharmacy technicians to ensure the quality of patient care and reduce errors.

1. Amend Section 1793.7(b)

This section requires that any function performed by a pharmacy technician in connection with the dispensing of a prescription, including repackaging from bulk and storage of pharmaceuticals, must be verified and documented in writing by a pharmacist. The amendment would allow general acute care hospitals to establish a program to use of pharmacy technicians in hospital inpatient pharmacies to check the work of other pharmacy technicians for filling floor stock, ward stock and unit dose cassettes.

2. Add Section 1793.8

This section establishes requirements for general acute care hospitals to employ specially trained pharmacy technicians to check the work of other pharmacy technicians filling floor stock, ward stock, and unit dose cassettes.

### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None.

Business Impact: The Board of Pharmacy has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: None. The regulation permits a pharmacist who was formerly required to check unit dose cassettes to instead be re-deployed to perform clinical services within the hospital. As a result, there will be a shifting of work assignments for some pharmacy technicians and pharmacists that work in hospitals that choose to implement a TCT program.

Cost Impact on Representative Private Person or Business: The Board of Pharmacy is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

### EFFECT ON SMALL BUSINESS

The Board of Pharmacy has made an initial determination that the proposed regulatory action would not have a significant adverse economic impact directly af-

fecting small business. The proposed regulation will only affect general acute care hospitals that choose to implement a TCT program; there is no requirement that the hospitals do so.

### CONSIDERATION OF ALTERNATIVES

The Board of Pharmacy must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present written statements relevant to the above determinations to the Board of Pharmacy at the above-mentioned address or during the hearing.

### INITIAL STATEMENT OF REASONS AND INFORMATION

The Board of Pharmacy has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Pharmacy at 1625 North Market Blvd, Suite N 219, Sacramento, CA 95834, or from the Board of Pharmacy Web site ([www.pharmacy.ca.gov](http://www.pharmacy.ca.gov)).

### AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the Web site listed below.

### CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Jan E. Perez  
 Address: 1625 North Market Blvd,  
 Suite N 219  
 Sacramento, CA 95834  
 Telephone No.: (916) 574-7919  
 Fax No.: (916) 574-8618  
 E-Mail Address: jan\_perez@dca.ca.gov

The backup contact person is:

Name: Virginia Herold  
 Address: 1625 North Market Blvd,  
 Suite N 219  
 Sacramento, CA 95834  
 Telephone No.: (916) 574-7900  
 Fax No.: (916) 574-8618  
 E-Mail Address: virginia\_herold@dca.ca.gov

Web site Access: Materials regarding this proposal can be found at [www.pharmacy.ca.gov](http://www.pharmacy.ca.gov).

Food and Drug Administration to diagnose, cure, mitigate, treat or prevent any disease, illness or medical condition.

### COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The State Board of Equalization has determined that the proposed amendments and regulations do not impose a mandate on local agencies or school districts. Further, the Board has determined that the amendments and regulations will result in no direct or indirect cost or savings to any State agency, any costs to local agencies or school districts that are required to be reimbursed under Part 7 (commencing with section 17500) of Division 4 of Title 2 of the Government Code or other non-discretionary costs or savings imposed on local agencies, or cost or savings in federal funding to the State of California.

## **TITLE 18. BOARD OF EQUALIZATION**

### NOTICE IS HEREBY GIVEN

The State Board of Equalization, pursuant to the authority vested in it by section 15606(a) of the Government Code, proposes to amend Regulation 1591, Medicines and Medical Devices, in Title 18, Division 2, Chapter 4, of the California Code of Regulations, relating to sales and use tax. A public hearing on the proposed regulation will be held in Room 121, 450 N Street, Sacramento, at 1:30 p.m., or as soon thereafter as the matter may be heard, on April 18, 2006. At the hearing, any person interested may present statements or arguments orally or in writing relevant to the proposed regulatory action. The Board will consider written statements or arguments if received by April 18, 2006.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current law, Revenue and Taxation Code section 6369, provides that sales of tangible personal property defined as "medicines" by that statute are not subject to tax if the medicines are sold or otherwise transferred in one of the ways specified in the statute.

Regulation 1591, Medicines and Medical Devices, is proposed to be amended to interpret, implement and make specific Revenue and Taxation Code (RTC) section 6369. Amendments are proposed to amend Regulation 1591 to clarify the application of tax to certain sales of medical products. The proposed amendments would provide that, subject to certain qualifications, the term "medicines" includes any product approved by the U.S.

### EFFECT ON BUSINESS

Pursuant to Government Code section 11346.5(a)(8), the Board of Equalization made an initial determination that the adoption of the amendments to Regulation 1591 will have no significant statewide adverse economic impact directly affecting business.

The adoption of the proposed amendment to this regulation and the proposed regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses nor create or expand business in the State of California.

The amendment to the regulation as proposed will not be detrimental to California businesses in competing with businesses in other states.

The proposed regulation may affect small business.

### COST IMPACT ON PRIVATE PERSON OR BUSINESSES

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

### SIGNIFICANT EFFECT ON HOUSING COSTS

No significant effect.

### FEDERAL REGULATIONS

Regulation 1591 and the proposed changes have no comparable federal regulations.

**AUTHORITY**

Section 7051, Revenue and Taxation Code.

**REFERENCE**

Section 6369 Revenue and Taxation Code.

**CONTACT**

Questions regarding the substance of the proposed regulation should be directed to Ms. Lisa Andrews (916) 322-5989, at 450 N Street, Sacramento, CA 95814, e-mail [Lisa.Andrews@boe.ca.gov](mailto:Lisa.Andrews@boe.ca.gov) or MIC:50, P.O. Box 942879, 450 N Street, Sacramento, CA 94279-0050.

Written comments for the Board's consideration, notice of intent to present testimony or witnesses at the public hearing, and inquiries concerning the proposed administrative action should be directed to Diane Olson, Regulations Coordinator, telephone (916) 322-9569, fax (916) 324-3984, e-mail [Diane.Olson@boe.ca.gov](mailto:Diane.Olson@boe.ca.gov) or Ms. Chelsea Carlock, Analyst, telephone (916) 322-3084, e-mail [Chelsea.Carlock@boe.ca.gov](mailto:Chelsea.Carlock@boe.ca.gov) or by mail at State Board of Equalization, Attn: Diane Olson Chelsea Carlock, MIC:80, P.O. Box 942879, 450 N Street, Sacramento, CA 94279-0080.

**ALTERNATIVES CONSIDERED**

The Board must determine that no reasonable alternative considered by it or that has been otherwise identified and brought to its attention would be more effective in carrying out the purpose for which this action is proposed, or be as effective and less burdensome to affected private persons than the proposed action.

**AVAILABILITY OF INITIAL STATEMENT  
OF REASONS AND TEXT OF  
PROPOSED REGULATION**

The Board has prepared an initial statement of reasons and an underscored version (express terms) of the proposed regulation. Both of these documents and all information on which the proposal is based are available to the public upon request. The Rulemaking file is available for public inspection at 450 N Street, Sacramento, California. The express terms of the proposed regulation are available on the Internet at the Board's web site <http://www.boe.ca.gov>.

**AVAILABILITY OF FINAL STATEMENT  
OF REASONS**

The final statement of reasons will be made available on the Internet at the Board's web site following its public hearing of the proposed regulation. It is also available for your inspection at 450 N Street, Sacramento, California.

**ADDITIONAL COMMENTS**

Following the hearing, the State Board of Equalization may, in accordance with the law, adopt the proposed regulations if the text remains substantially the same as described in the text originally made available to the public. If the State Board of Equalization makes modifications which are substantially related to the originally proposed text, the Board will make the modified text, with the changes clearly indicated, available to the public for fifteen days before adoption of the regulation. The text of any modified regulation will be mailed to those interested parties who commented on the proposed regulatory action orally or in writing or who asked to be informed of such changes. The modified regulation will be available to the public from Ms. Richmond. The State Board of Equalization will consider written comments on the modified regulation for fifteen days after the date on which the modified regulation is made available to the public.

**TITLE 24. STATE BUILDING  
STANDARDS COMMISSION**

**NOTICE OF PROPOSED ACTION  
TO  
BUILDING STANDARDS  
OF THE  
CALIFORNIA BUILDING STANDARDS  
COMMISSION (CBSC) ON BEHALF OF THE  
DEPARTMENT OF HEALTH SERVICES (DHS)**

**REGARDING THE 2003 UNIFORM  
MECHANICAL CODE,  
CALIFORNIA CODE OF REGULATIONS,  
TITLE 24, PART 4**

**ADOPTION OF NEW MODEL CODE FOR USE  
IN CALIFORNIA AS TITLE 24, PART 4**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Department of Health Services (DHS, also referred to as the Department) proposes to adopt, approve, codify, and publish changes to building standards contained in



the California Code of Regulations (CCR), Title 24, Part 4.

## INFORMATIVE DIGEST

### PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from March 3, 2006, until 5:00 PM on April 18, 2006. Please address your comments to:

California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Attention: Stanley T. Nishimura, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

Pursuant to Government Code Section 11346.5(a) 17, any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

### POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

**NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.**

### AUTHORITY AND REFERENCE

CBSC on behalf of the Department of Health Services proposes to adopt these building standards under the authority granted by Health and Safety Code Section (H&SC) 18928. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC Section 18928. CBSC is proposing this regulatory action based on Health and Safety Code Section (H&SC) 18928.

### **Summary of Existing Laws**

Department of Health Services (the Department)

#### **Health & Safety Code Section 100275. Rules and regulations**

The Department may adopt rules and regulations for the execution of its duties.

#### **Health & Safety Code Section 113710. Adoption of regulations**

The Department shall adopt regulations to implement and administer this chapter.

#### **Health & Safety Code Section 113730. Building code compliance**

Any construction, alteration, remodeling, or installation of equipment in a food establishment pursuant to this chapter shall be in accordance with applicable building codes and shall be approved by the enforcement officer.

#### **Health & Safety Code Section 114140. Ventilation**

Stipulates ventilation requirements for food establishments

### **Summary of Existing Regulations**

The existing 2001 California Mechanical Code (CMC) is a part of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code and incorporates, by adoption, by CBSC, the 2000 Uniform Mechanical Code (UMC) of the International Association of Plumbing and Mechanical Officials (IAPMO), amendments for occupancies regulated by the Department.

### **Summary of Effect**

This proposed action will make effective the 2003 UMC of IAPMO with necessary amendments for food establishments as identified pursuant to Health and Safety Code Sections 100275, 113710, 113730, and 114140, 180 days after the publication of the 2004 CMC. This proposed action by CBSC will also make the 2001 CMC inoperative for occupancies regulated by the Department, and for persons applying for a building permit upon the effective date of the 2004 CMC.

### **Comparable Federal Statute or Regulations**

There are no comparable Federal Statutes or regulations related to the proposed action by the California Building Standards Commission.

### **Policy Statement Overview**

This proposed adoption of the most current edition of the UMC makes it applicable for occupancies regulated by the Department, or any person seeking a building permit at the local level, the most current edition of the UMC by reference through the California Code of Regulations, Title 24. The adoption of the most current edition of the UMC provides an up to date reference docu-

ment for new building projects and existing buildings to be remodeled or otherwise altered under the 2004 CMC.

**OTHER MATTERS PRESCRIBED BY STATUTE  
APPLICABLE TO THE AGENCY OR TO  
ANY SPECIFIC REGULATION OR  
CLASS OF REGULATIONS**

CBSC has determined that there are no other matters prescribed by statute applicable to the agency or to any specific regulation or class of regulations.

**MANDATE ON LOCAL AGENCIES  
OR SCHOOL DISTRICTS**

CBSC has determined that the proposed regulatory action would impose a mandate on local agencies or school districts. However, the mandate does not require reimbursement pursuant to Part 7 (commencing with section 17500) of Division 4, Government Code. H&SC section 18928 requires the CBSC to adopt the most current edition of the model codes.

H&SC 18938(b) makes applicable the most current edition of the model mechanical code to occupancies regulated by the Department of Health Services in the State of California.

**ESTIMATE OF COST OR SAVINGS**

(An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district. Provide a copy of the "Economic and Fiscal Impact Statement" (Form 399))

- A. Cost or Savings to any state agency: **No**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500 of Division 4): **No**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**
- D. Other nondiscretionary cost or savings imposed on local agencies: **No**
- E. Cost or savings in federal funding to the state: **No**  
Estimate: **None**

**INITIAL DETERMINATION OF NO  
SIGNIFICANT STATEWIDE ADVERSE  
ECONOMIC IMPACT ON BUSINESSES**

CBSC has made an initial determination that the adoption of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

**DECLARATION OF EVIDENCE**

CBSC affirms that the rulemaking action complies with the mandates set forth by the Health & Safety Code, Section 18928, & 18934.5.

Therefore, CBSC's initial determination of no significant, statewide adverse economic impact directly affecting business in California and their ability to compete with businesses in other states does not require any additional evidence, documents or other evidence to support this action.

**FINDING OF NECESSITY FOR THE PUBLIC'S  
HEALTH, SAFETY, OR WELFARE**

CBSC has made an assessment of the proposed code changes and has determined that these changes do not require a report.

**COST IMPACT ON REPRESENTATIVE PRIVATE  
PERSON OR BUSINESS**

CBSC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**ASSESSMENT OF EFFECT OF REGULATIONS  
UPON JOBS AND BUSINESS EXPANSION,  
ELIMINATION OR CREATION**

CBSC has assessed whether or not and to what extent this proposal will affect the following:

- ☐ **The creation or elimination of jobs within the State of California.**

These regulations will not effect the creation of or elimination of jobs within the State of California.

- ☐ **The creation of new businesses or the elimination of existing businesses within the State of California.**

These regulations will not effect the creation of or the elimination of existing business within the State of California.

□ **The expansion of businesses currently doing business with the State of California.**

These regulations will not effect the expansion of businesses currently doing business within the State of California

**INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS**

CBSC has made an initial determination that this proposal would not have a significant effect on housing costs.

**CONSIDERATION OF ALTERNATIVES**

CBSC must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

**AVAILABILITY OF RULEMAKING DOCUMENTS**

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the CBSC website:

<http://www.bsc.ca.gov/>

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at the CBSC website.

**CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS**

General questions regarding procedural and administrative issues should be addressed to:

Jane Taylor, Tom Morrison (back-up person)  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833

Telephone No.: (916) 263-0916  
Facsimile No.: (916) 263-0959

**PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS**

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Jane Taylor, Associate Architect  
California Building Standards Commission  
(916) 263-0916  
[jane.taylor@dgs.ca.gov](mailto:jane.taylor@dgs.ca.gov)  
(916) 263-0959, Fax

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**

NOTICE IS HEREBY GIVEN that the prospective contractors listed below have been required to submit a Nondiscrimination Program (NDP) or a California Employer Identification Report (CEIR) to the Department of Fair Employment and Housing, in accordance with the provisions of Government Code Section 12990. No such program or (CEIR) has been submitted and the prospective contractors are ineligible to enter into State contracts. The prospective contractor's signature on Standard Form 17A, 17B, or 19, therefore, does not constitute a valid self-certification. Until further notice, each of these prospective contractors in order to submit a responsive bid must present evidence that it's Nondiscrimination Program has been certified by the Department.

ASIX Communications, Inc.  
DBA ASI Telesystems, Inc.  
21150 Califa Street  
Woodland Hills, CA 91367

Bay Recycling  
800 77th Avenue  
Oakland, CA 94621

C & C Disposal Service  
P. O. Box 234  
Rocklin, CA 95677

Choi Engineering Corp.  
286 Greenhouse Marketplace, Suite 329  
San Leandro, CA 94579

Fries Landscaping  
25421 Clough  
Escalon, CA 95320

Marinda Moving, Inc.  
8010 Betty Lou Drive  
Sacramento, CA 95828

MI-LOR Corporation  
P. O. Box 60  
Leominster, MA 01453

Peoples Ridesharing  
323 Fremont Street  
San Francisco, CA 94105

San Diego Physicians & Surgeons Hospital  
446 26th Street  
San Diego, CA

Southern CA Chemicals  
8851 Dice Road  
Santa Fe Springs, CA 90670

Tanemura and Antle Co.  
1400 Schilling Place  
Salinas, CA 93912

Turtle Building Maintenance Co.  
8132 Darien Circle  
Sacramento, CA 95828

Univ Research Foundation  
8422 La Jolla Shore Dr.  
La Jolla, CA 92037

Vandergoot Equipment Co.  
P.O. Box 925  
Middletown, CA 95461

## **DEPARTMENT OF HEALTH SERVICES**

### **NOTICE OF GENERAL PUBLIC INTEREST**

#### **THE CALIFORNIA DEPARTMENT OF HEALTH SERVICES WILL END THE FIVE PERCENT PAYMENT REDUCTION TO MEDI-CAL PROGRAMS FOLLOWING THE EFFECTIVE DATE OF THE LEGISLATION**

This notice is to provide information of public interest with respect to changes in payment for some Medi-Cal programs. The California Department of Health Services (CDHS) will rescind the five percent payment reduction that took effect January 1, 2006, commencing fourteen (14) days following the effective date of the legislation that ends the reduction.

#### **END TO FIVE PERCENT REDUCTION IN PAYMENTS IN EFFECT ON JANUARY 1, 2006**

CDHS will end the five (5) percent payment reduction in effect for dates of service on or after January 1, 2006, which was implemented on January 1 in accordance with Welfare and Institutions Code section 14105.19. Senate Bill 912 (2006) repeals the five (5) percent payment reduction with respect to Medi-Cal program services for dates of service commencing fourteen (14) days following the effective date of the legislation.

The ending of the payment reduction described in this notice does not apply to the reduction imposed on payments made to Managed Care plans.

#### **PUBLIC REVIEW AND COMMENTS**

A copy of the California statute that prescribes these reductions and the legislation that rescinds them, Welfare and Institutions Code section 14105.19 and SB 912 (2006), is available for public review at local county welfare offices throughout the State. In addition, any member of the public may request a copy of the statutes and legislation from and may submit comments in writing to:

Kathleen Y. Menda, Chief  
Professional Provider Unit  
California Department of Health Services  
1501 Capitol Avenue, Suite 71.4001  
MS 4612, P.O. Box 997417  
Sacramento, CA 95899-7417

## **OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT**

### **CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT**

#### **NOTICE TO INTERESTED PARTIES March 3, 2006**

#### **ANNOUNCEMENT OF DRAFT REPORT COMMENT PERIOD**

#### **DEVELOPMENT OF GUIDANCE TISSUE LEVELS AND SCREENING VALUES FOR COMMON CONTAMINANTS IN CALIFORNIA SPORT FISH: CHLORDANE, DDTs, DIELDRIN, METHYLMERCURY, PCBs, SELENIUM, AND TOXAPHENE**

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment



(OEHHA) announces the availability of the draft report entitled "Development of guidance tissue levels and screening values for common contaminants in sport fish: Chlordane, DDTs dieldrin, methylmercury, PCBs, selenium, and toxaphene." Guidance tissue levels (GTLs) are designed to provide a number of recommended fish meals that correspond to the range of contaminant concentrations found in fish. GTLs are used to provide meal consumption advice to prevent consumers from being exposed to more than the average daily reference dose for non-carcinogens or to a risk level greater than  $1 \times 10^{-4}$  for carcinogens. Screening values are specific guidance tissue levels used to identify situations where contaminant concentrations in fish are of potential health concern and further action (e.g., additional sampling or developing consumption advice) is recommended.

OEHHA is soliciting comments from interested parties on the draft report during a 30-day public comment period ending April 3, 2006. Comments may be submitted at any time until the close of the comment period. Comments on the draft report may be submitted by phone, fax, or e-mail to Dr. Susan A. Klasing. All comments must be received by 5:00 p.m. on April 3, 2006. OEHHA will consider comments received by this time and revise the draft report as appropriate to issue a final report.

OEHHA is making the draft document available at the OEHHA Web site at <http://www.oehha.ca.gov>. A copy of the report is also available by calling (916) 327-7319.

If you would like to submit comments, receive further information on this announcement, or have questions, please contact Dr. Susan A. Klasing using the information provided below.

Dr. Susan A. Klasing  
California Environmental Protection Agency  
Office of Environmental Health Hazard Assessment  
Pesticide and Environmental Toxicology Branch,  
P.O. Box 4010  
Sacramento, California 95812-4010  
Phone: (916) 323-9667  
Fax: (916) 327-7320  
e-mail: [sklasing@oehha.ca.gov](mailto:sklasing@oehha.ca.gov)

## OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

California Environmental Protection Agency  
Office of Environmental Health  
Hazard Assessment  
Notice to Interested Parties

March 3, 2006

## ANNOUNCEMENT OF PUBLIC COMMENT PERIOD

### Draft Technical Support Documents On Proposed Public Health Goals for Nitrosodimethylamine, Glyphosate, and Cadmium in Drinking Water

The Office of Environmental Health Hazard Assessment (OEHHA) within the California Environmental Protection Agency is announcing the availability of the draft technical support documents for proposed Public Health Goals (PHGs) for nitrosodimethylamine (NDMA), glyphosate, and cadmium in drinking water. The draft document on NDMA is a first risk assessment for this chemical, while the documents for the other two chemicals are updates of existing PHGs. The draft documents are posted on the OEHHA Web site ([www.oehha.ca.gov](http://www.oehha.ca.gov)). OEHHA is soliciting comments on the draft reports during a 45-day comment period. The Office will also hold a public workshop to discuss these risk assessments on April 20, 2006 at the Elihu Harris Building, 1515 Clay Street, Oakland, 94612, Room 11, 10 a.m.-12 noon, or until business is concluded. Written comments must be received at the OEHHA address below by 5:00 p.m. on April 20, 2006, to be considered during this review period.

The workshop is provided to encourage a dialogue between OEHHA scientists and the public, to discuss the scientific basis of the proposed PHGs, and to receive comments. OEHHA follows the requirements set forth in Health and Safety Code Sections 57003(a) and 116365 for conducting the workshop and receiving public input. Following the workshop, OEHHA will evaluate all the comments received, revise the documents as appropriate, and make them available for another 30-day comment period. After any subsequent revisions, the final documents will be posted on our Web site along with responses to the major comments from the public at the workshop and during the public review and scientific comment periods.

The PHG technical support documents provide information on the health effects of contaminants in drinking water. The PHG is a level of drinking water contaminant at which adverse health effects are not expected to occur from a lifetime of exposure. The California Safe Drinking Water Act of 1996 (Health and Safety Code Section 116365) requires OEHHA to develop PHGs based exclusively on public health considerations. PHGs published by OEHHA will be considered by the California Department of Health Services in setting drinking water standards (Maximum Contaminant Levels, or MCLs).

If you would like to receive further information on this announcement or have questions, please contact our office at (510) 622-3170 or the address below.

Thomas Parker (tparker@oehha.ca.gov)  
Pesticide and Environmental Toxicology Branch  
Office of Environmental Health Hazard Assessment  
California Environmental Protection Agency  
Headquarters: 1001 I Street, 12th floor  
Sacramento, California 95814  
Mailing address: P.O. Box 4010,  
Sacramento, CA 95812-4010  
Attention: PHG Project

## **SUMMARY OF REGULATORY ACTIONS**

### **REGULATIONS FILED WITH SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

#### **AIR RESOURCES BOARD**

##### **Heavy Duty On Board Diagnostic**

Air Resources Board (ARB) proposes adoption of Title 13 CCR section 1971.1 to establish requirements for on-board diagnostic (OBD) systems for 2010 and subsequent year heavy-duty engines and vehicles produced for sale in California to monitor engine exhaust emissions in this class of vehicle. Heavy-duty vehicles have a gross vehicle weight rating greater than 14,000 pounds. This regulation is needed to assure compliance with more stringent emissions standards already adopted and being phased in from 2007 to 2010, and to assure compliance with these standards throughout the life of the engine.

Heavy-duty engine manufacturers must begin to comply with heavy-duty OBD requirements on a limited portion of their product line by 2010. The requirements will be phased in over the subsequent six model years for all engine families and engine ratings, except for alternate-fueled vehicles, for which full compliance will not be required until the 2020 model year. OBD system requirements take advantage of electronic sensors on existing heavy-duty engines. ARB estimates the OBD requirements will increase the retail price of

heavy-duty engines by \$132.00, representing less than a two percent increase in cost of a heavy-duty engine.

Title 13  
California Code of Regulations  
ADOPT: 1971.1  
Filed 02/15/06  
Effective 03/17/06  
Agency Contact: Alexa Malik (916) 322-4011

#### **BOARD OF BEHAVIORAL SCIENCES**

This filing submitted as a change without regulatory effect revises three previously incorporated forms: Responsibility Statement for Supervisors of a Marriage and Family Therapist Trainee or Intern, Responsibility Statement for Supervisors of an Associate Clinical Social Worker, and Supervisory Plan.

Title 16  
California Code of Regulations  
AMEND: 1833.1, 1870, 1870.1  
Filed 02/21/06  
Effective 02/21/06  
Agency Contact: Christy Berger (916) 323-6832

#### **DEPARTMENT OF FOOD AND AGRICULTURE Diaprepes Root Weevil Interior Quarantine**

This filing is a certificate of compliance for an emergency regulatory action which added approximately one and one half square miles surrounding the Long Beach area of Los Angeles County to the interior quarantine area for *Diaprepes abbreviatus* (*Diaprepes root weevil*).

Title 3  
California Code of Regulations  
AMEND: 3433(b)  
Filed 02/21/06  
Effective 02/21/06  
Agency Contact: Stephen Brown (916) 654-1017

#### **DEPARTMENT OF FOOD AND AGRICULTURE Mediterranean Fruit Fly Interior Quarantine**

In this Certificate of Compliance filing, the Department of Food and Agriculture amends a regulation pertaining to "Mediterranean Fruit Fly Interior Quarantine" to establish a quarantine area in the Rancho Cucamonga area of San Bernardino County.

Title 3  
California Code of Regulations  
AMEND: 3406(b)  
Filed 02/22/06  
Effective 02/22/06  
Agency Contact: Stephen Brown (916) 654-1017

#### **DEPARTMENT OF FOOD AND AGRICULTURE Oak Mortality Disease Control**

This is the certification of compliance for an emergency action that expanded and redefined of the list of plants and plant parts that are hosts or potential carriers of oak mortality disease.

Title 3  
California Code of Regulations  
AMEND: 3700(c)  
Filed 02/21/06  
Effective 02/21/06  
Agency Contact: Stephen Brown (916) 654-1017

**DEPARTMENT OF FOOD AND AGRICULTURE**

**Diaprepes abbreviatus Eradication Area**

This filing is a certificate of compliance for two emergency regulatory actions which established Orange and Los Angeles counties as eradication areas for Diaprepes abbreviatus (West Indian sugarcane root borer or Diaprepes root beetle).

Title 3  
California Code of Regulations  
ADOPT: 3591.19(a) (b) (c) AMEND: 3591.19(a)  
Filed 02/21/06  
Effective 02/21/06  
Agency Contact: Stephen Brown (916) 654-1017

**DEPARTMENT OF FOOD AND AGRICULTURE**

**Diaprepes Root Weevil Interior Quarantine**

This regulatory filing is a certificate of compliance for an emergency regulatory action which established approximately three square miles surrounding Newport Beach in Orange County as an interior quarantine area for Diaprepes abbreviatus (Diaprepes root weevil).

Title 3  
California Code of Regulations  
ADOPT: 3433  
Filed 02/16/06  
Effective 02/16/06  
Agency Contact: Stephen Brown (916) 654-1017

**DEPARTMENT OF JUSTICE**

**Business Partner Automation Surety Bond**

This print-only filing is the Department of Justice's approval and printing of Business Partner Automation Surety Bond REG 866 (REV. 4/2005).

Title 11  
California Code of Regulations  
AMEND: 51.19  
Filed 02/22/06  
Effective 02/22/06  
Agency Contact: Anne M. Burr (415) 703-1403

**DEPARTMENT OF MOTOR VEHICLES**

**Traffic Violator Schools**

This Certificate of Compliance amends the requirements for traffic violator schools in compliance with Chapter 952, Statutes of 2004 and federal regulations. (Previous OAL file # 05-0810-02E)

Title 13  
California Code of Regulations  
AMEND: 345.39, 345.45, 345.56, 345.78  
Filed 02/22/06  
Effective 02/22/06  
Agency Contact: Randi Calkins (916) 657-8898

**DEPARTMENT OF MOTOR VEHICLES**

**Business Partner Automation Program**

This action updates and reorganizes the Department of Motor Vehicle's Business Partner Automation Program.

Title 13 California Code of Regulations  
ADOPT: 225.35 AMEND: 225.03, 225.09, 225.12, 225.18, 225.21, 225.42, 225.45, 225.48, 225.51, 225.54, 225.72  
Filed 02/22/06  
Effective 03/24/06  
Agency Contact: Christie Patrick (916) 657-5567

**EDUCATION AUDIT APPEALS PANEL**

**Audits of California K-12 Local Education Agencies**

This emergency regulatory action amends regulations of the audit guide, "Standards and Procedures for Audits of California K-12 Local Educational Agencies," that is required to be used in the performance of the audits required by Education Code Section 41020. These amendments deal with definitions, the number of audit procedures for compliance requirements, audit procedures for the Morgan-Hart Class Size Reduction Program, and audit requirements that apply only to charter schools.

Title 5  
California Code of Regulations  
ADOPT: 19827 AMEND: 19814, 19814.1, 19851, 19853  
Filed 02/17/06  
Effective 02/17/06  
Agency Contact:  
Timothy E. Morgan (916) 445-7745

**FAIR POLITICAL PRACTICES COMMISSION****Local Agency Ethics Training**

The regulatory action deals with local agency ethics training.

## Title 2

California Code of Regulations

ADOPT: 18371

Filed 02/21/06

Effective 02/21/06

Agency Contact: John Wallace (916) 445-4812

**FAIR POLITICAL PRACTICES COMMISSION****Enforcement Decisions as Precedent**

The regulatory action deals with administratively adjudicated enforcement decisions as precedent.

## Title 2

California Code of Regulations

ADOPT: 18361.10

Filed 02/21/06

Effective 03/23/06

Agency Contact: Andy Rockas (916) 322-5660

**OCCUPATIONAL SAFETY AND HEALTH****STANDARDS BOARD****Fire Protection in Shipyard Employment II**

This regulatory action deals with fire protection standards in shipyard employment by increasing protection from fire hazards in the ship building, ship repair and ship breaking (Shipyard) industries. This regulatory action is exempt from Articles 5 and 6 of the Administrative Procedure Act, and thus exempt from OAL review, pursuant to Labor Code section 142.3.

## Title 8

California Code of Regulations

ADOPT: 8397.14, 8397.15, 8397.16

AMEND: 8354, 8397.12

Filed 02/22/06

Effective 02/22/06

Agency Contact: Marley Hart (916) 274-5721

**OFFICE OF ENVIRONMENTAL HEALTH****HAZARD ASSESSMENT****Conflict of Interest Code**

The Office of Environmental Health Hazard Assessment (Office) is amending its conflict of interest code found at Title 2, Division 8, Chapter 58, Section 54700, California Code of Regulations. The changes to the Office's conflict of interest code were approved for filing by the Fair Political Practices Commission on January 23, 2006.

## Title 2

California Code of Regulations

AMEND: Div. 8, Ch. 58, Sec. 54700

Filed 02/16/06

Effective 03/18/06

Agency Contact: Carol Monahan (916) 322-0493

**STATE LANDS COMMISSION****Structural Requirements for Vapor Control Systems at Marine Terminals**

The regulations under Title 2, Division 3, Chapter 1, Article 5.4, Structural Requirements for Vapor Control Systems at Marine Terminals are being repealed. These regulations were designed to ensure that there was structural strengthening of dock components where vapor control systems were installed. The regulations in Article 5.4 have been superseded by the recently approved Title 24, Chapter 31F, Divisions 1-11 of the CCR. Chapter 31F was adopted by the State Lands Commission and approved by the Building Standards Commission on January 19, 2005. These became effective on February 6, 2006.

## Title 2

California Code of Regulations

REPEAL: 2550, 2551, 2552, 2553, 2554, 2555, 2556

Filed 02/21/06

Effective 03/23/06

Agency Contact: Livin D. Prabhu (562) 499-6312

**STATE LANDS COMMISSION****Marine Terminals Inspection and Monitoring**

The regulatory action deals with the inspections and investigations on a continuing basis of each onshore marine terminal in California in accordance with Chapter 31F of Divisions 1 through 11 of Title 24 of the California Code of Regulations

## Title 2

California Code of Regulations

AMEND: 2320(a)(2)

Filed 02/21/06

Effective 03/23/06

Agency Contact: Livin D. Prabhu (562) 499-6312

**CCR CHANGES FILED  
WITH THE SECRETARY OF STATE  
WITHIN SEPTEMBER 21, 2005 TO  
FEBRUARY 22, 2006**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted



by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 1**

12/29/05 AMEND: 1038

**Title 2**

02/21/06 ADOPT: 18371  
 02/21/06 REPEAL: 2550, 2551, 2552, 2553, 2554, 2555, 2556  
 02/21/06 AMEND: 2320(a) (2)  
 02/21/06 ADOPT: 18361.10  
 02/16/06 AMEND: Div. 8, Ch. 58, Sec. 54700  
 01/30/06 AMEND: Div. 8, Ch. 103, Sec. 59150  
 01/24/06 REPEAL: 649.23, 649.25, 649.26, 649.27  
 01/23/06 AMEND: 18351  
 01/20/06 AMEND: 1897  
 01/17/06 AMEND: Div. 8, Ch. 64, Sec. 55300  
 01/17/06 ADOPT: 560 REPEAL: 560  
 12/29/05 AMEND: 18329.5, 18701, 18751  
 12/21/05 AMEND: 599.960, 599.961  
 12/20/05 AMEND: 18700, 18707, 18708  
 12/12/05 ADOPT: 20108, 20108.1, 20108.12, 20108.15, 20108.18, 20108.20, 20108.25, 20108.30, 20108.35, 20108.36, 20108.37, 20108.38, 20108.40, 20108.45, 20108.50, 20108.51, 20108.55, 20108.60, 20108.65, 20108.70, 20108.75, 20108.80  
 11/16/05 AMEND: 1181  
 11/07/05 ADOPT: 1859.300, 1859.301, 1859.302, 1859.310, 1859.311, 1859.312, 1859.313, 1859.314, 1859.315, 1859.316, 1859.317, 1859.318, 1859.319, 1859.320, 1859.321, 1859.322, 1859.323, 1859.323.1, 1859.323.2, 1859.324, 1859.325, 1859.326, 1859.327, 1859.328,  
 11/07/05 AMEND: 20107  
 10/31/05 AMEND: 1859.2, 1859.81, 1866  
 10/27/05 AMEND: 1859.2, 1859.51, 1859.104.3, 1859.147, 1859.202, 1866, Form SAB 50-01  
 10/24/05 ADOPT: 1859.23 AMEND: 1859.2, 1859.122, 1859.123, 1859.123.1  
 10/18/05 ADOPT: 18732.5  
 10/11/05 ADOPT: 18117, 18772  
 10/11/05 AMEND: 18450.4  
 10/11/05 AMEND: 18401, 18427.1, 18700, 18705, 18707.9, 18730, 18750  
 10/06/05 ADOPT: 18735.5  
 09/23/05 ADOPT: 2280, 2281, 2282, 2283, 2284

**Title 3**

02/22/06 AMEND: 3406(b)  
 02/21/06 AMEND: 3433(b)  
 02/21/06 AMEND: 3700(c)  
 02/21/06 ADOPT: 3591.19(a)(b)(c) AMEND: 3591.19(a)  
 02/16/06 ADOPT: 3433  
 02/07/06 AMEND: 6502  
 02/02/06 AMEND: 3700(c)  
 01/12/06 AMEND: 6393, 6394, 6395, 6396  
 12/28/05 AMEND: 3406(b)  
 12/28/05 ADOPT: 6576, 6950  
 12/15/05 AMEND: 6400  
 12/13/05 AMEND: 3700(c)  
 12/01/05 AMEND: 3700(c)  
 11/23/05 AMEND: 3406(b)  
 10/25/05 AMEND: 3406(b)  
 10/24/05 AMEND: 3433(b)  
 10/20/05 AMEND: 3591.19(a)  
 10/19/05 AMEND: 3406(b)  
 10/18/05 ADOPT: 3591.18  
 10/17/05 AMEND: 3406(b)  
 10/07/05 AMEND: 3406(b)  
 10/07/05 ADOPT: 6551  
 10/04/05 ADOPT: 3963  
 10/03/05 AMEND: 3433  
 09/28/05 ADOPT: 3591.19  
 09/27/05 AMEND: 3700(c)

**Title 4**

01/25/06 ADOPT: 12002, 12004, Appendix A AMEND: 12100, 12200, 12220, 12300  
 01/20/06 ADOPT: 1843.6  
 01/09/06 ADOPT: 1902.5  
 01/09/06 ADOPT: 1690.1  
 12/29/05 AMEND: 8070, 8071, 8072, 8073, 8074, 8076  
 12/21/05 ADOPT: 12359  
 12/14/05 AMEND: 7075, 7082, 7084, 7092, 7093, 7094, 7098  
 12/05/05 AMEND: 1977  
 12/05/05 REPEAL: 1959.5, 1959.6, 1959.7, 1959.8, 1976.5, 1976.7  
 11/28/05 ADOPT: 7075, 7076, 7077, 7078, 7079, 7079, 7080, 7081, 7082, 7083, 7084, 7085, 7086, 7087, 7088, 7089, 7090, 7091, 7092, 7093, 7094, 7095, 7096, 7097, 7098, 7099 REPEAL: 7000, 7001, 7003, 7004, 7005, 7006, 7007, 7008, 7009, 7010, 7011, 7012, 7013, 7013.  
 11/28/05 ADOPT: 503, 512, 515, 516, 517, 518, 519, 523, 524 AMEND: 500, 501, 502, 510, 513, 514, 520, 552, 530, 531, 533 REPEAL: 521  
 11/23/05 AMEND: 4083

11/01/05 ADOPT: 10300, 10302, 10310, 10315, 10317, 10320, 10322, 10325, 10326, 10327, 10335, 10337  
 10/27/05 ADOPT: 7030, 7031, 7032, 7033, 7034, 7035, 7036, 7037, 7038, 7039, 7040, 7041, 7042, 7043, 7044, 7045, 7046, 7047, 7048, 7049, 7050 AMEND: 7047, 7048 REPEAL: 7049  
 10/27/05 ADOPT: 9001, 9005, 9006, 9007, 9025, 9027, 9050, 9051, 9052, 9053, 9054, 9055, 9056, 9057, 9058, 9059, 9060, 9061, 9062, 9063, 9064, 9065, 9066, 9067, 9068, 9069, 9070 AMEND: 9020, 9030, 9031, 9032, 9041, 9043  
 10/12/05 AMEND: 1433

**Title 5**

02/17/06 ADOPT: 19827 AMEND: 19814, 19814.1, 19851, 19853  
 01/19/06 ADOPT: 11987, 11987.1, 11987.2, 11987.3, 11987.4, 11987.5, 11987.6, 11987.7  
 12/29/05 ADOPT: 4680, 4681, 4682, 4683, 4684, 4685, 4686, 4687 AMEND: 4600, 4610, 4611, 4620, 4621, 4622, 4630, 4631, 4632, 4633, 4640, 4650, 4651, 4660, 4662, 4663, 4664, 4665, 4670, 4910 REPEAL: 4661, 4671  
 12/12/05 ADOPT: 80033.2  
 12/07/05 AMEND: 43810  
 12/06/05 ADOPT: 11963.5 AMEND: 11704, 11963.2, 11963.3, 11963.4, 11963.5, 11963.6  
 11/17/05 AMEND: 41301 REPEAL: 41303, 41304  
 11/15/05 AMEND: 6111  
 11/10/05 AMEND: 19826.1  
 10/19/05 AMEND: 11900, 11905, 11915, 11920, 11925, 11930, 11935  
 10/14/05 ADOPT: 18092.5 AMEND: 18066, 18069, 18078, 18081, 18083, 18084, 18092, 18103, 18106, 18109, 18110  
 10/14/05 ADOPT: 18092.5 AMEND: 18066, 18069, 18078, 18081, 18083, 18084, 18092, 18103, 18106, 18109, 18110  
 10/11/05 ADOPT: 19850, 19851, 19852, 19853, 19854 AMEND: 19814, 19814.1  
 10/11/05 ADOPT: 18220.2, 18224.2, 18224.4, 18240.5, 18249 AMEND: 18220, 18240, 18248, 18244  
 09/28/05 AMEND: 50500

**Title 8**

02/22/06 ADOPT: 8397.14, 8397.15, 8397.16 AMEND: 8354, 8397.12  
 02/14/06 AMEND: 31100

02/09/06 ADOPT: 296.0 296.1, 2.96.2, 296.3, 296.4 AMEND: 290.1, 291.1, 291.2, 291.3, 291.4, 291.5, 292.0, 293.0, 295.0  
 02/09/06 AMEND: 15201, 15300, 15400, 15400.2, 15402.4, 15450.1, 15452, 15454, 15463  
 01/27/06 AMEND: 100, 102  
 01/27/06 AMEND: 1518  
 01/25/06 AMEND: 1635  
 12/20/05 AMEND: 3395  
 12/14/05 AMEND: 6632(f)  
 12/13/05 AMEND: 20299  
 12/05/05 AMEND: 4650  
 11/22/05 ADOPT: 13694  
 11/22/05 ADOPT: 13680, 13681, 13682, 13683, 13684, 13685, 13686, 13687, 13688, 13689, 13690, 13691, 13692, 13693  
 09/29/05 AMEND: 9789.11  
 09/22/05 ADOPT: 9792.6, 9792.7, 9792.8, 9792.9, 9792.10 REPEAL: 9792.11

**Title 9**

01/23/06 AMEND: 3400  
 01/19/06 AMEND: 400  
 12/30/05 ADOPT: 3100, 3200.000, 3200.010, 3200.020, 3200.030, 3200.040, 3200.050, 3200.060, 3200.070, 3200.080, 3200.090, 3200.100, 3200.110, 3200.120, 3200.130, 3200.140, 3200.150, 3200.160, 3310, 3400, 3405, 3410, 3415

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02/09/06 AMEND: 2699.6600  
 01/31/06 ADOPT: 310.100.4, 310.114.4 AMEND 310.101  
 01/25/06 ADOPT: 2025, 2026, 2027, 2028, 2029, 2030  
 01/23/06 AMEND: 2698.99  
 01/23/06 ADOPT: 2592, 2592.01, 2592.02, 2592.03, 2592.04, 2592.05, 2592.06, 2592.07, 2592.08, 2592.09, 2592.10, 2592.11, 2592.12, 2592.13, 2592.14  
 01/20/06 AMEND: 2498.6  
 12/28/05 AMEND: 2498.5  
 12/13/05 AMEND: 2312, 2312.5, 2315  
 11/23/05 AMEND: 260.210, 260.211, 1726, 1950.122, 2020  
 11/16/05 AMEND: 2699.6600, 2699.6809  
 11/15/05 AMEND: 2690.1  
 11/03/05 ADOPT: 2698.95.1, 2698.95.11, 2698.95.12, 2698.96, 2698.97, 9698.97.1, 2698.98, 2698.98.1 AMEND: 2698.95  
 10/20/05 AMEND: 2318.6, 2353.1, 2354

10/07/05	ADOPT: 2698.30, 2698.31, 2698.32, 2698.33, 2698.34, 2698.35, 2698.36, 2698.37, 2698.38, 2698.39, 2698.40, 2698.41, 2698.42, 2698.43 REPEAL: Sections 2698.30, 2698.31, 2698.32, 2698.33, 2698.34, 2698.35, 2698.36, 2698.37, 2698.38, 2698.39, 2698.40, 2698.	<b>Title 14</b>	02/10/06	AMEND: 895, 895.1, 1038, 1038(f)
09/28/05	AMEND: 2498.4.9		02/09/06	ADOPT: 18459.1.2, Forms 203, 204 AMEND: 18449, 18450, 18451, 18453.2, 18456, 18456.2.1, 18457, 18459, 18459.1, 18459.2.1, 18459.3, 18460.1, 18460.1.1, 18460.2, 18460.2.1, 18461, 18462, 18463, 18464, 18466, Penalty Tables 1&2
09/28/05	AMEND: 260.121		02/08/06	AMEND: 2310
<b>Title 11</b>			12/22/05	AMEND: 11900
02/22/06	AMEND: 51.19		12/19/05	ADOPT: 163.1 AMEND: 163, 164
02/09/06	AMEND: 1001, 1015 REPEAL: 1020, 1021		12/06/05	ADOPT: 4970.02, 4970.03, 4970.04, 4970.05, 4970.06, 4970.07, 4970.08, 4970.09, 4970.10, 4970.11, 4970.12, 4970.13, 4970.14, 4970.15, 4970.16, 4970.17, 4970.18, 4970.19, 4970.20, 4970.21 AMEND: 4970.00, 4970.01 REPEAL: 4970.02, 4970.03, 4970.04, 4970.05
01/31/06	ADOPT: 64.2		12/02/05	AMEND: 18660.5, 18660.6, 18660.10, 18660.20, 18660.21, 18660.22, 18660.36, 18660.37
01/19/06	AMEND: 1005		11/30/05	ADOPT: 957.11, 957.12 AMEND: 957
01/11/06	ADOPT: 116.2		11/16/05	AMEND: 913.2 [933.2, 953.2], 913.11 [933.11, 953.11]
01/09/06	AMEND: 999.1, 999.2, 999.3, 999.4		11/09/05	ADOPT: 1038(i) AMEND: 1038.2, 1038(e)
12/22/05	AMEND: 1005, 1007, 1008, D-1, D-10, D-14		11/02/05	AMEND: 632
12/15/05	AMEND: 51.12		11/01/05	ADOPT: 2.45, 251.9
12/01/05	ADOPT: 116.1		10/31/05	AMEND: 180.1
11/22/05	ADOPT: 49.17		10/26/05	AMEND: 2516
10/24/05	AMEND: 1070, 1081, 1082		10/25/05	AMEND: 11900
<b>Title 13</b>			10/24/05	AMEND: 1251, 1252, 1252.1, 1253, 1254, 1256, 1257
02/22/06	ADOPT: 225.35 AMEND: 225.03, 225.09, 225.12, 225.18, 225.21, 225.42, 225.45, 225.48, 225.51, 225.54, 225.72		10/18/05	ADOPT: 17939.1, 17939.2, 17939.3, 17939.4, 17939.5 AMEND: 17930, 17931, 17932, 17933, 17934, 17934.1, 17934.3, 17934.5, 17935, 17935.1, 17935.2, 17935.3, 17935.4, 17935.5, 17935.55, 17935.6, 17936
02/22/06	AMEND: 345.39, 345.45, 345.56, 345.78		10/13/05	AMEND: 699.5
02/15/06	ADOPT: 1971.1		10/13/05	AMEND: 895, 895.1, 1038, 1038(f)
02/14/06	ADOPT: 152.00, 190.03, 268.10, 268.12, 280.12, 285.06, 292.06, 340.13 AMEND: 330.08, 345.65 REPEAL: 330.10, 345.67		10/12/05	ADOPT: 18459.1.2 AMEND: 18449, 18450, 18451, 18453.2, 18456, 18456.2.1, 18459, 18459.1, 18459.2.1, 18459.3, 18460.1, 18460.1.1, 18460.2, 18460.2.1, 18461, 18462, 18463, 18464, 18466
01/31/06	ADOPT: 2023, 2023.1, 2023.2, 2023.3, 2023.4 AMEND: 1956.1, 2020, 1021 REPEAL: 1956.2, 1956.3, 1950.4		10/06/05	AMEND: 15000, 15001, 15002, 15003, 15004, 15005, 15006, 15007, 15020, 15021, 15022, 15023, 15024, 15025, 15040, 15041, 15042, 15043, 15044, 15045, 15050, 15051, 15052, 15053,
01/30/06	AMEND: 77.05, 77.10, 77.15, 77.16, 77.17			
01/18/06	AMEND: 553.70			
01/13/06	AMEND: 2467, 2467.1			
01/12/06	ADOPT: 1875			
01/12/06	AMEND: 970			
12/16/05	ADOPT: 253.02 AMEND: 345.16			
12/07/05	ADOPT: 2425.1 AMEND: 2420, 2421, 2423, 2425, 2426, 2427, Incorporated Test Procedures			
12/05/05	AMEND: 425.01			
11/08/05	AMEND: 550, 551.11, 551.12			
10/27/05	AMEND: 2453, 2455			
10/18/05	AMEND: 28.18, 28.19, 28.20, 28.21, 28.22, 28.23			

15060, 15060.5, 15061, 15062, 15063,  
15064, 15064.5, 15064.7, 15065, 15070,  
09/30/05 AMEND: 502, 506  
09/21/05 ADOPT: 18801.1, 18808.1, 18808.2,  
18808.3, 18808.4, 18808.5, 18808.6,  
18808.7, 18808.8, 18808.9, 18808.10,  
18808.11, 18809.1, 18809.2, 18809.3,  
18809.4, 18809.5, 18809.6, 18809.7,  
18809.8, 18809.9, 18809.10, 18809.11,  
18810.1, 18810.2, 18810.3, 18810.4,

**Title 15**

01/25/06 AMEND: 3482  
01/19/06 AMEND: 3370  
01/17/06 AMEND: 3000, 3062, 3075, 3210  
12/15/05 AMEND: 3335  
12/05/05 AMEND: 3173.1  
11/21/05 ADOPT: 3999.2  
11/01/05 AMEND: 3287

**Title 16**

02/21/06 AMEND: 1833.1, 1870, 1870.1  
02/07/06 ADOPT: 1379.19  
01/12/06 AMEND: 1313.01  
01/05/06 AMEND: 1399.710  
12/30/05 AMEND: 119.6, 120  
12/30/05 AMEND: 1820, 1970.4, 1991, 1996  
12/27/05 AMEND: 3005  
12/15/05 ADOPT: 1399.454 AMEND: 1399.434,  
1399.436, 1399.450, 1399.451  
12/13/05 AMEND: 3005  
12/12/05 ADOPT: 26, 27, 28, 29, 30, 31, 32, 33, 34,  
35, 35.1 AMEND: 70, 98  
12/02/05 ADOPT: 3067  
11/30/05 AMEND: 2542, 2542.1, 2547, 2547.1  
11/29/05 AMEND: 1397.61(f)  
11/21/05 AMEND: 1397.61(a)  
11/18/05 AMEND: 1364.11  
11/15/05 AMEND: 69, 75.5, 87.5, 89, 89.1, 95,  
95.2, 95.3, 95.4  
10/24/05 AMEND: 1399.50, 1399.52  
10/20/05 AMEND: 1922.3  
10/20/05 AMEND: 1870, 1870.1, 1874  
10/18/05 AMEND: 1807.2, 1833, 1833.1, 1833.2,  
1887.4, 1889, 1889.1, 1889.3  
10/11/05 AMEND: 7, 7.1, 9, 9.2, 11.5, 13  
REPEAL: 14  
10/06/05 AMEND: 1016, 1017  
10/05/05 AMEND: 1014, 1014.1

**Title 17**

12/29/05 ADOPT: 30105  
11/10/05 AMEND: 54355, 56002, 56040  
10/18/05 ADOPT: 30194.1, 30194.2 AMEND:  
30100, 30145, 30145.1, 30225, 30230,  
30231, 30408, 30535 REPEAL: 30232

**Title 18**

02/09/06 AMEND: 4055, 4056, 4057, 4058, 4059,  
4060, 4061  
01/10/06 AMEND: 1S84  
12/29/05 AMEND: 1620  
12/27/05 ADOPT: 1823.4  
12/09/05 ADOPT: 25106.5–11  
10/04/05 AMEND: 1698

**Title 20**

01/12/06 AMEND: 79, 80  
01/03/06 ADOPT: 1362, 1363.1, 1363.2, 1365.1,  
Appendix C AMEND: 1364, 1366,  
1368.1, 1369, 1370, Appendix A,  
Appendix B REPEAL: 1363, 1365, 1368,  
1368.5  
12/30/05 AMEND: 1601, 1602, 1603, 1604,  
1605.1, 1605.2, 1605.3, 1606, 1607,  
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**Title 22**

02/02/06 AMEND: 97170, 97172, 97174, 97178,  
97180, 97184, 97188, 97190, 97198  
01/31/06 ADOPT: 66250.1, 66250.2  
01/23/06 AMEND: 51510, 51510.1, 51511,  
51511.5, 51511.6, 51535, 51535.1,  
51544, 54501  
01/20/06 AMEND: 4448  
01/17/06 AMEND: 14000  
01/17/06 AMEND: 12000  
12/30/05 ADOPT: 67384.1, 67384.2, 67384.3,  
67384.4, 67384.5, 67384.6, 67384.7,  
67384.8, 67384.9, 67384.10, 67384.11  
12/27/05 ADOPT: 66262.44 AMEND: 66261.111,  
66262.10  
12/19/05 ADOPT: 66264.151 AMEND:  
66264.115, 66264.120, 66264.143,  
66264.145, 66264.147, 66265.115,  
66265.120, 66265.143, 66265.145,  
66265.147, 67450.13, 67450.30,  
67450.49  
11/10/05 ADOPT: 51000.6.1, 51000.10.1,  
51000.15.1, 51000.20.1, 51000.24.1,  
5100.25.1, 51000.25.2, 51000.31,  
51000.32, 51000.51, 51000.52,  
51000.53, 51000.55, 51000.60, 51051  
AMEND: 51000.1, 51000.1.1, 51000.3,  
51000.4, 51000.6, 51000.7, 51000.16,  
51000.30, 51000  
10/04/05 AMEND: 80072(a) (8), 85068.4  
09/27/05 AMEND: 311–1  
09/27/05 ADOPT: 4400(jj), 4403.1, 4446.5  
AMEND: 4400(I), 4403, 4412.1, 4415,  
4417



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02/01/06 ADOPT: 3989.3  
 01/20/06 ADOPT: 3939.17  
 12/27/05 ADOPT: 3939.16  
 12/20/05 ADOPT: 3957  
 12/15/05 ADOPT: 3939.18  
 12/09/05 ADOPT: 3939.19  
 12/09/05 ADOPT: 3939.20  
 12/02/05 ADOPT: 3989.2  
 12/01/05 ADOPT: 3939.15  
 11/28/05 ADOPT: 2814.20, 2814.21, 2814.22,  
 2814.23, 2814.24, 2814.25, 2814.26,  
 2814.27, 2814.28, 2814.29, 2814.30,  
 2814.31, 2814.32, 2814.33, 2814.34,  
 2814.35, 2814.36, 2814.37  
 10/21/05 AMEND: 1062, 1063, 1064, 1065, 1066,  
 1067, 1071, 1077, 3833.1 REPEAL: 793  
 10/13/05 ADOPT: 2200.6 AMEND: 2200  
 10/12/05 ADOPT: 3005  
 10/04/05 AMEND: 2908  
 10/03/05 AMEND: 3900  
 09/22/05 ADOPT: 18456.2.1, 18460.2.1, Forms  
 CIWMB 173 (4/04), 180(3/04) AMEND:

18449, 18450, 18451, 18456, 18459,  
 18459.2.1, 18459.3, 18461, 18462

**Title 25**

02/07/06 AMEND: 1001  
 12/19/05 ADOPT: 11101, 13302 AMEND: 19200,  
 19201, 19202, 19203, 19204, 19205,  
 19206, 19207, 19300, 19301, 19400  
 12/07/05 AMEND: 1338.1 REPEAL: 1433.1  
 11/07/05 AMEND: 5002, 5020, 5021, 5340, 5348  
 09/27/05 ADOPT: 8430, 8431, 8432, 8433, 8434

**Title 27**

01/13/06 ADOPT: 15241, 15242  
 11/17/05 AMEND: 21685  
 09/29/05 ADOPT: 20070, 21569, 21835  
 09/26/05 ADOPT: 15241, 15242

**Title 28**

12/14/05 AMEND: 1300.75.4

**Title MPP**

02/10/06 AMEND: 63-103.2, 63-300.5,  
 63-402.229, 63-503.441, 63-509(b),  
 63-509(c), 63-801.737(QR)  
 01/23/06 AMEND: 42-101  
 01/12/06 AMEND: 11-400, 11-402, 11-403, and  
 11-406